



City of Huntington Beach Planning Department

STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Andrew Gonzales, Associate Planner *AG*
DATE: November 12, 2008

**SUBJECT: APPEAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF
CONDITIONAL USE PERMIT NO. 08-030 (DEMESNE COMMERCIAL
DEVELOPMENT)**

APPLICANT: Jonathan Matson, AIA, 13271 South Street, Cerritos, CA 90703

**APPELLANT/
PROPERTY**

OWNER: John E. Hendershot, Jr. – Demesne Development Company, 8442 Alondra Boulevard,
Paramount, CA 90723

LOCATION: 9500 Garfield Avenue, 92649 (southeast corner of Bushard Street and Garfield Avenue)

STATEMENT OF ISSUE:

- ♦ Conditional Use Permit No. 08-030 request:
 - Construct an approximately 10,000 sq. ft. single-story multi-tenant commercial/retail building and associated site improvements.
- ♦ Staff's Recommendation:

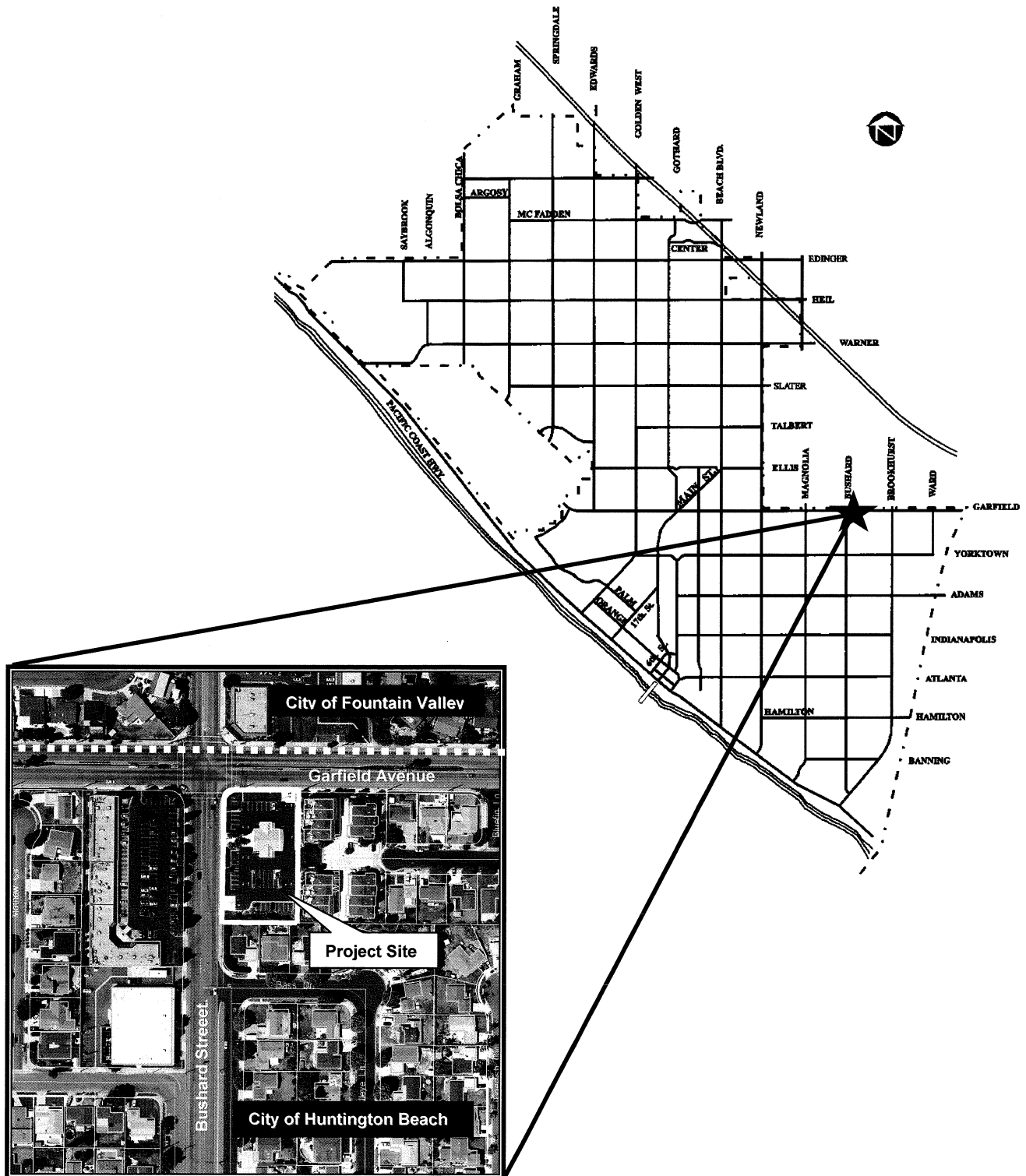
Approve Conditional Use Permit No. 08-030 based upon the following:

 - The project will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood.
 - The project will be compatible with surrounding uses.
 - The project will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance.
 - The project, as conditioned, furthers General Plan policies and goals, including policies to require the undergrounding of utilities.

RECOMMENDATION:

Motion to:

- A. "Approve Conditional Use Permit No. 08-030 with findings and suggested conditions of approval (Attachment No. 1)."



VICINITY MAP
CONDITIONAL USE PERMIT NO. 08-030
(DEMESNE COMMERCIAL DEVELOPMENT – 9500 GARFIELD AVE.)

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. “Deny Conditional Use Permit No. 08-030 with findings for denial.”
- B. “Continue Conditional Use Permit No. 08-030 and direct staff accordingly.”

PROJECT PROPOSAL:

Conditional Use Permit No. 08-030 represents a request to permit construction of an approximately 10,000 sq. ft. single-story multi-tenant commercial (retail) building and associated site improvements pursuant to Section 211.04, CO, CG, and CV Districts: Land Use Controls, Commercial Uses, Retail, and Section 211.04 (Q), Additional Provisions - Development of vacant land, of the Huntington Beach Zoning and Subdivision Ordinance (ZSO).

The project site is an approximately 37,817 sq. ft. vacant commercial property, located on the southeast corner of Bushard Street and Garfield Avenue, in the CG (Commercial General) Zone. The site is developed with a single-story, 1,900 sq. ft. Walgreens building recently closed and presently vacant. The conceptual plans provide for eight tenant spaces ranging in size from 917 sq. ft. to 2,392 sq. ft. The applicant’s project narrative is provided as Attachment No. 3.

Zoning Administrator Action:

The Zoning Administrator held a public hearing of this application on September 17, 2008. The applicant spoke in support of the project, but contested the condition that required the undergrounding of all existing public utilities serving the site. Representatives from the Public Works Department were present to discuss the condition and indicated that other similar developments were conditioned to underground the utilities. The Zoning Administrator gave the applicant an opportunity to continue the item to research this requirement further. The applicant elected to proceed with the imposition of the condition. Adjacent residents expressed concerns with potential noise and glare emanating from the project site, impacts to views from their units, and the location of the proposed trash enclosure. The Zoning Administrator determined that additional conditions to mitigate potential adverse impacts to adjacent residential uses were necessary. The Zoning Administrator incorporated conditions requiring the applicant to increase the perimeter wall height to eight ft., relocate the trash enclosure further away from residential uses, and minimize light spillage. The Zoning Administrator approved Conditional Use Permit No. 08-030 with modified findings and conditions of approval.

Appeal:

The property owner is appealing the Zoning Administrator’s approval of the application on the basis of objections to three conditions of approval imposed on the project: (1) Condition of Approval No. 1(a), which requires the removal of two parking spaces which was included to alleviate a potential vehicular stacking issue onto the site from Garfield Avenue, (2) Condition of Approval No. 3(c) to increase the heights of the walls along the east and south property lines to 8 ft., and (3) Condition of Approval No. 5 the undergrounding of all existing utilities along the street frontage of the project site (Attachment No. 4). Specifically, the appellant contends that the removal of parking spaces will impact the project’s leasing

flexibility by restricting commercial uses that yield higher parking ratios. Secondly, the applicant asserts that the condition to increase the existing perimeter wall heights to eight ft. is not applicable because the existing walls currently meet or exceed the height specified in the condition. Lastly, the condition requiring the undergrounding of utilities is identified to be financially cumbersome and will result in a delay with obtaining proper authorization from the applicable utility companies. The appellant argues the impartiality of imposing a property owner to bear the financial responsibility of undergrounding utilities for the sole benefit of surrounding uses.

Study Session Summary:

The following are issues that were raised during the Planning Commission Study Session meeting on Tuesday, September 23, 2008:

- **Project Comparison**

Due to the project's resemblance to a similarly appealed commercial development located at 16161 Springdale Street, the Planning Commission requested information on the characteristics of each project. A comparison of each of the projects is listed in the table below:

PROJECT	LOT SIZE	BUILDING FLOOR AREA	EST. UNDERGROUNDING LENGTH	EST. UNDERGROUNDING FEE
Subject Project (9500 Garfield Ave.)	37,817 sq. ft.	10,000 sq. ft	Approx. 400 l.f. (PROW Along Springdale & Garfield)	\$180,000
Springdale Comm. Cntr. (16161 Springdale St.)	32,100 sq. ft.	8,795 sq. ft.	Approx. 200 l.f. (Along North Interior Property Line)	\$125,400

- **Basis of Utility Undergrounding**

The suggested condition of approval requiring undergrounding of all existing utilities adjacent to the project site and within easements exclusively serving the project site resulted in the Planning Commission requesting information for the basis of requiring undergrounding. The purpose of undergrounding of utilities, identified in the Urban Design and Utility Element of the General Plan Policies (UD 2.2.4 & U 5.1.2), intends to alleviate the visual obtrusiveness and minimize potential safety hazards associated with overhead utilities and poles. Safety is an important issue in that overhead utilities can present substantial danger in storms, and may cause fires from arcing or downed lines. Access by public safety vehicles (police, fire, and ambulance) may be compromised thereby restricting the ability to provide assistance in case of an emergency. Another factor is the overhead utility lines make it difficult and expensive to maintain trees which results in improper pruning to keep trees below overhead wires.

- **Former Walgreens Building**

The Planning Commission requested supplementary information on the present Walgreens building on the subject site. The existing building is a 1,900 sq. ft single-story commercial/retail building measuring 22 ft. 6 in. high. The building was reviewed and conditionally approved by the Zoning Administrator on July 31, 1997. An approved condition similar to recommended Condition of Approval No. 5 required certain utilities as the CATV (Community Antenna Television) and telephone lines fronting the property line inclusive of the wires crossing Bushard Street to be underground. Construction was completed on the building in July of 1998 and was operational until the business closed in 2007. Presently the building is vacant.

ISSUES:

Subject Property And Surrounding Land Use, Zoning And General Plan Designations:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	CN-F1 (Commercial Neighborhood – 0.35 max. floor area ratio)	CG (Commercial General)	Commercial (Former Walgreen's)
North of Subject Property	City of Fountain Valley	Commercial	Multi-tenant commercial building
South of Subject Property	RL-7 (Residential Low Density – 7 units/acre)	RL (Residential Low Density)	Single-family residences
East of Subject Property	RM-15 (Residential Medium Density – 15 units/acre)	RM (Residential Medium Density)	Multi-family residential units
West of Subject Property	CN-F1	CG	Multi-tenant retail center

General Plan Conformance:

The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the following goals and policies of the General Plan:

LU10.1.4 Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

LU10.1.12 Require that Commercial uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development including consideration of:

- Siting and design of structures to facilitate and encourage pedestrian activity;
- Siting of building to the street frontage to convey a visual relationship to the street and sidewalks;
- Architectural treatment of buildings to minimize visual bulk and mass, using techniques such as modulation of building volumes and articulation of all elevations.

UD 2.2.4 Require the undergrounding of utility lines.

U 5.1.2 Continue to underground above ground electrical transmission lines.

The proposed development is in compliance with the Urban Design Guidelines. The siting and design of the proposed structure allows for pedestrian connectivity between sidewalks and the subject site. The proposed architecture provides variations in roof heights and prominent unit entries and, as conditioned, incorporates quality materials in its design. Additionally, a condition to underground all onsite utility lines will aid to improve the visual character of the surrounding area.

Zoning Compliance:

This project is located in the CG (Commercial General) zone and complies with the requirements of that zone. In addition, a list of City Code Requirements, Policies, and Standard Plans of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Code has been provided to the applicant (Attachment No. 6) for informational purposes only.

Urban Design Guidelines Conformance:

The Huntington Beach Urban Design Guidelines contains guidelines specific to General Commercial uses. The project generally conforms to the objectives and standards for commercial projects contained in the Guidelines, including the following:

- Residential uses should be buffered from incompatible commercial development. Intensified landscaping, increased setbacks and appropriate building orientation should be utilized as a means of providing adequate separation between such land uses.
- Clearly defined pedestrian paths should be provided from parking areas to primary build entrances and sidewalks along the site's perimeter.
- The building should employ variations in form and building detail in order to create visual interest. In all cases the selected architectural style should be employed on all building elevations, especially with all vertical and horizontal building projections.
- Buildings should be divided in distinct massing elements. Building facades should be articulated with architectural elements and details. Vertical and horizontal offsets should be provided to minimize building bulk.
- Building entries should be readily identifiable. Use recess projections, columns, and other distinctive materials and colors to articulate entries.

Environmental Status:

The proposed project is categorically exempt pursuant to Class 3, *New Construction or Conversion of Small Structures*, Section 15303 of the California Environmental Quality Act which states projects consisting of construction of a commercial structure not exceeding 10,000 sq. ft. in floor area in an urbanized area on a site zoned for such use where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive are exempt.

Coastal Status: Not applicable.

Redevelopment Status: Not applicable.

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The Public Works Department is recommending the following condition of approval, which is, in part, the basis for the appeal:

Prior to final inspection or occupancy all existing utilities that occur along the project's Bushard Street frontage and all utilities that cross Garfield Avenue to the single pole at the project's Garfield Avenue frontage that are exclusively serving the site shall be under-grounded. This includes the Southern California Edison (SCE) aerial lines and poles along the entire length of the westerly frontage of the subject project. This condition applies to all utilities, including but not limited to all telephone, electric, and Cable TV lines. If required, easements shall be quitclaimed and/or new easements granted to the corresponding utility companies.

This condition is recommended in furtherance of General Plan policies for the undergrounding of existing utilities and is consistent with conditions of approval imposed on numerous projects throughout the City, including the following recently approved projects:

- Brookhurst Car Wash – CUP 05-037 (19002 Brookhurst St.)
- Nissan Service Center – CUP 06-033 (17242 Beach Blvd.)
- Liberty Liquor – CUP 07-038 (17701 Beach Blvd.)
- Longs Drugs – CUP 08-008 (17725 Beach Blvd.)

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on October 30, 2008, and notices were sent to property owners of record and tenants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Department's Notification Matrix), tenants at the commercial center, applicant, and interested parties. As of November 4, 2008 no communication supporting or opposing the request has been received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

July 23 2008

MANDATORY PROCESSING DATE(S):

September 21, 2008

The application for Conditional Use Permit No. 08-030 was filed on June 23, 2008 and deemed complete on July 23, 2008. The request was approved by the Zoning Administrator at a public hearing on September 17, 2008, in compliance with the mandatory processing timeline. An appeal was filed by the property owner on September 29, 2008 (Attachment No. 7). The application is scheduled for public hearing before the Planning Commission on November 12, 2008.

ANALYSIS:

The primary issues for the Planning Commission to consider are those identified in the applicant's appeal letter; the condition of approval requiring the undergrounding of utilities, the loss of two parking spaces, and the increased perimeter wall height. On October 9, 2008, a meeting with Public Works, Planning and the property owner resulted in a reevaluation of two of the three conditions of approval in question. Condition No. 1(a) for the removal of two parking spaces which was included to alleviate a potential stacking issue onto the site from Garfield Avenue was determined to be unnecessary due to the lack of evidence that vehicular circulation impacts would occur. Secondly, evidence provided by the applicant and verified by staff identify that the existing perimeter walls meet or exceed the minimum height of 8 ft. identified by Condition No. 3(c). Therefore staff recommends the deletion of Condition Nos. 1(a) and 3(c) from the recommended conditions of approval.

The remaining point of contention is the condition of approval (No. 5) requiring the undergrounding of utilities. The condition of approval requiring the undergrounding of utilities is supported by General Plan policies (Urban Design Element Policy UD 2.2.4 & Utilities Element Policy U 5.1.2) is a suggested condition of approval that has been recommended on development projects throughout the City. The fee associated with onsite undergrounding will vary from each project because the payment is negotiated between the applicable utility company and the developer. The City is not a party to these negotiations and or provided with information pertaining to the fee incurred with undergrounding. Staff recommends retaining this condition of approval.

Staff is recommending approval of the proposed project based on the suggested finding and subject to the suggested conditions of approval excluding the Zoning Administrator approved Condition Nos. 1(a) and 3(c). The project furthers the General Plan goals, objectives and policies which encourages the modernization and expansion of uses that support the needs of Hunting Beach residents. The proposed project will be compatible with the surrounding land uses. Finally, the proposed project complies with all applicable zoning regulations in terms of the minimum required setbacks and on-site parking and complies with the maximum allowed floor area ratio and building height.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval – Conditional Use Permit No. 08-030
2. Site Plan, Floor plans, and Elevations received and dated September 5, 2008, and Preliminary Landscape plans received and dated September 10, 2008.
3. Project Narrative received and dated June 23, 2008
4. Zoning Administrator Notice of Action – CUP No. 08-030, September 17, 2008
5. Draft minutes of the September 17, 2008 Zoning Administrator meeting
6. Code Requirements Letters – CUP No. 08-030 (Building & Safety Dept.: July 1, 2008; Fire Dept.: September 1, 2008; Planning Dept.: August 28, 2008; Police Dept.: July 8, 2008; Public Works Dept.: August 29, 2008).
7. Property owner's appeal letter dated September 29, 2008
8. General Plan Policy – Undergrounding of Utilities (UD 2.2.4, U 5.1.2)
9. HBZSO Chapter 255 – Improvements: Section 255.04 G, Underground Utilities
10. HBMC Chapter 17.64 – Undergrounding of Utilities

SH:HF:AG:lw

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 2008-030

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the proposed development consists of a new construction of a multi-tenant commercial building with 10,000 sq. ft. of floor area not involving significant amounts of hazardous materials on a site where public services and facilities are available and the surrounding area is not environmentally sensitive.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-030:

1. Conditional Use Permit No. 2008-030 for the construction of an approximately 10,000 sq. ft., single-story multi-tenant commercial/retail building and associated site improvements will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The subject property is designated for commercial neighborhood development under the General Plan. The proposed project is consistent with the permitted uses and development standards within this designation. The structure will be setback approximately 72 ft. from the abutting residential properties to the east and 54 ft. from the residential properties to the south. The site will be sufficiently parked and will have minimal impacts on the adjacent properties.
2. The proposed neighborhood shopping center, as conditioned, will be compatible with surrounding uses and developments. The subject project will replace a former commercial building with a single-story, multitenant commercial/retail building. The building's design is conditioned to be more compatible with the surrounding area by incorporating additional façade recesses, architectural eyebrows, and contrasting materials on the building elevations to minimize the structure's mass/bulk and create visual interest along the street frontage. As conditioned, the depth of the driveway adjacent to Garfield Avenue will be increased an additional 10 ft. to create safe vehicular ingress and egress for the site. The placement of the structure will be at the northwest corner of the subject site thereby providing an adequate setback from residential uses to the east and south. In addition, a 10 ft. landscape buffer is provided along the easterly property line to screen the parking lot from adjoining residential uses.
3. The proposed development will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The development complies with the minimum required setbacks and on-site parking and complies with the maximum allowed floor area ratio and building height.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the following goals and policies of the General Plan:

LU10.1.4 Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

LU10.1.12 Require that Commercial uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development including consideration of:

- a. Siting and design of structures to facilitate and encourage pedestrian activity;
- b. Siting of building to the street frontage to convey a visual relationship to the street and sidewalks;
- c. Architectural treatment of buildings to minimize visual bulk and mass, using techniques such as modulation of building volumes and articulation of all elevations.

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The proposed development is in compliance with the Urban Design Guidelines. The siting and design of the proposed structure allows for pedestrian connectivity between sidewalks and the subject site. The proposed architecture provides variations in roof heights and prominent unit entries and, as conditioned, incorporates quality materials in its design. Additionally, a condition to underground all onsite utility lines will aid to improve the visual character of the surrounding area.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2008-030:

1. The site plan, floor plans, and elevations received and dated September 5, 2008, and preliminary landscape plan dated September 10, 2008, shall be the conceptually approved design with the following modifications:
 - a. Relocate the proposed trash enclosure in an area adjacent to the southeast corner of the proposed building.
 - b. The corrugated metal panels on the building elevations shall be omitted and replaced with either decorative masonry block or finished wood.
 - c. Limit the number of metal sunshades variations to two designs.
 - d. The uppermost portion of the north and south tower feature shall incorporate a continuous architectural eyebrow utilizing a variation of the sunshade designs, as determined by Condition 1(d), around all sides of the building wall.
 - e. The north unit, adjacent to the corner of Garfield Avenue and Bushard Street, shall provide a 1 ft. recess in the areas located above the five windows panes. The recessed area shall match the unit store fronts depicted without exterior reveals.
2. Parking lot lights shall be automatically dimmed to minimal security level lighting one hour after the final business closing and shall be maintained at minimum security level at all times.
3. Prior to issuance of grading permits, the following shall be completed:

- a. The proposed curb opening and rectangular channel to convey the site's drainage offsite into the public curb and gutter system on Garfield Avenue shall address NPDES requirements for water quality Best Management Practices (BMP). The site's surface drainage shall not drain directly into the City's curb and gutter system without first being treated through a City approved water quality BMP. (PW)
 - b. Provide a Precise Grading Plan identifying that the damaged curb, gutter and sidewalk along the Garfield Avenue and Bushard Street frontages shall be removed and replaced per Public Works Standard Plan Nos. 202 and 207. (PW)
4. Prior to submittal for building permits, one set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Department.
5. Prior to final inspection or occupancy all existing utilities that occur along the project's Bushard Street frontage and all utilities that cross Garfield Avenue to the single pole at the project's Garfield Avenue frontage that are exclusively serving the site shall be under-grounded. This includes the Southern California Edison (SCE) aerial lines and poles along the entire length of the westerly frontage of the subject project. This condition applies to all utilities, including but not limited to all telephone, electric, and Cable TV lines. If required, easements shall be quitclaimed and/or new easements granted to the corresponding utility companies. (PW)
6. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

PROJECT DATA

NET SITE AREA: 37,817 SQ. FT.
.87 ACRES

EXISTING SITE HAS AN EXISTING BUILDING TO BE DEMOLISHED.
EXISTING BUILDING WAS OCCUPIED BY A RETAIL PHARMACY

BUILDING AREA: 10,000 SQ. FT.

ZONING MATRIX			
SUBJECT	SCORE SECTION	REQUIRED	PROPOSED
PARKING	33.00	ACTUAL 1 SPACE PER 500 SQ. FT. OF SPACE REQUIRED	25 SPACES PROVIDED
LANDSCAPING	23.00	25% MINIMUM OF SITE AREA DEDICATED TO LANDSCAPING	44% SOFT-PLANTING PROVIDED
SITE COVERAGE	30.00	MINIMUM 50% OF SITE AREA COVERED BY PERMEABLE SURF.	25% PERMEABLE SURF. PROVIDED
SEPARATION FROM ADJ. SITE	30.00	10 FT.	10 FT.

LEGAL DESCRIPTION

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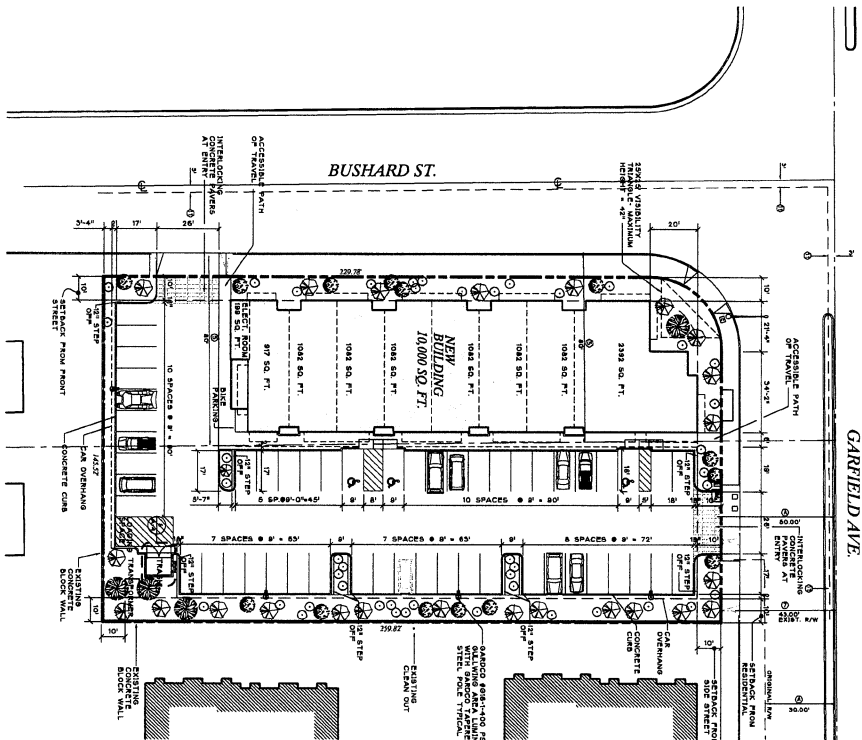
EASEMENTS

- INDICATES DATA SHOWN HERE
- INDICATES EXACT LOCATION IS NOT DISCLOSED OR RECORDED
- 43 STREET NAME RECORDED ON COUNTY MAPS
1831 IN BOOK 20 PAGE 58 ALL OR PARTS
- 44 ROAD 4, 1887 IN BOOK 20 PAGE 58
- 45 COMMUNITY CONDITIONS AND RESTRICTIONS
RECORDED JANUARY 10, 1931 IN BOOK 44 PAGE 47
- 46 STREET PLANT CULITY AND MEDICAL PURPOSES
RECORDED JANUARY 10, 1931 IN BOOK 44 PAGE 48 OR
5, 1863 IN BOOK 448 PAGE 48 OR 47
- 47 COMMUNICATIONS STATEMENT OF A.T.E. CALIFORNIA
RECORDED AS INSTRUMENT NO. 188-034-17 OR
- 48 NOTE THE FOLLOWING ITEMS ARE MATTERS OF
RECORD NOT LISTED IN THE REPORT
- 49 STREET EASEMENT RECORDED ON TRACT MAY NO.
1448

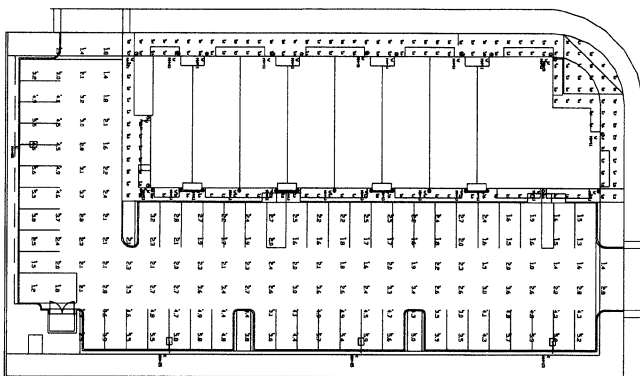
City of Huntington Beach
SEP 05 2008
ARCHIVE

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DEMESNE DEVELOPMENT
9500 GARFIELD AVE.
HUNTINGTON BEACH, CA.

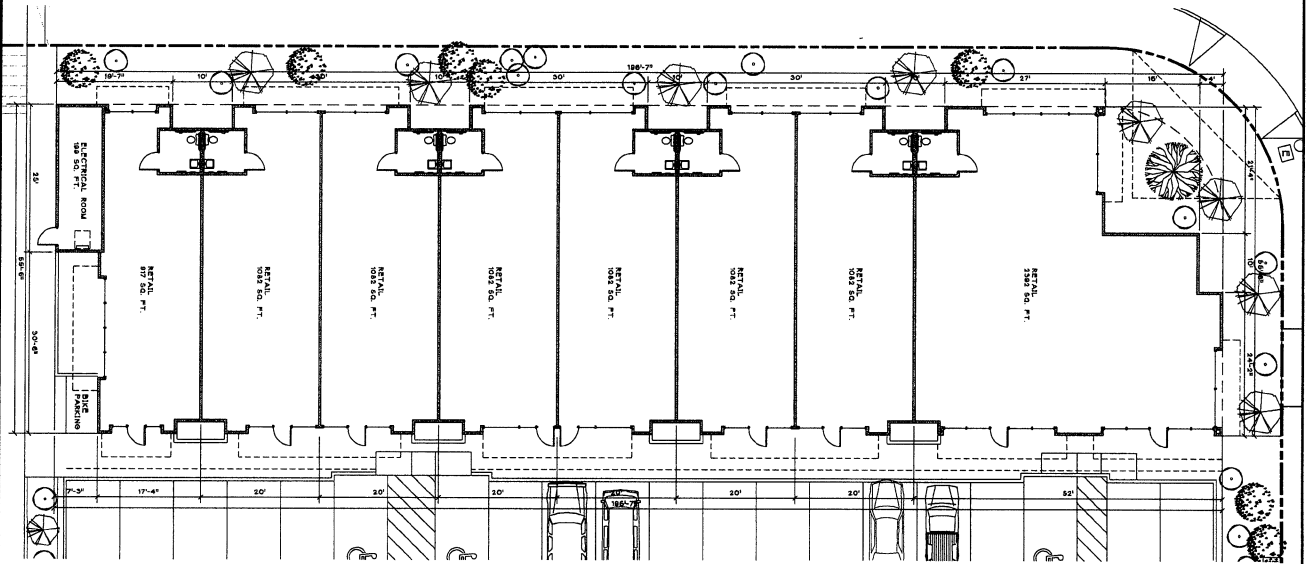


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SITE PHOTOMETRICS
SCALE: 1"=20'-0"



SITE PLAN
SCALE: 1"=20'-0"

SITE PHOTOGRAPHS



1
A3
FLOOR PLAN
SCALE: 1/8"=1'-0"



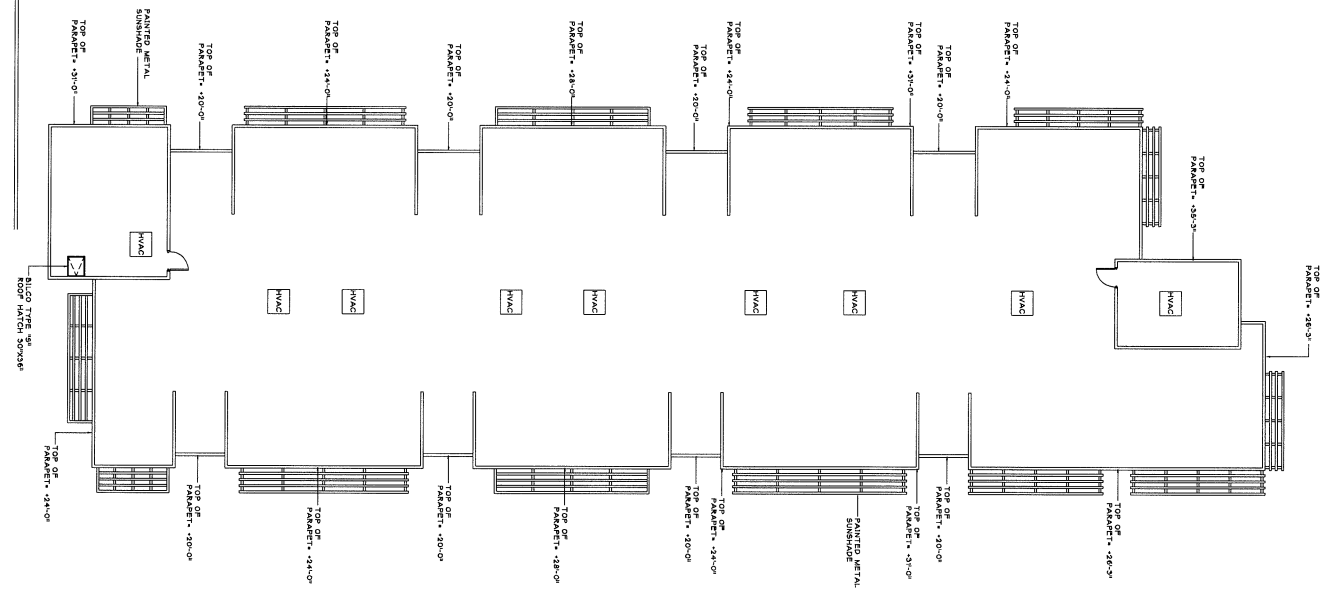
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DEMESNE DEVELOPMENT
9500 GARFIELD AVE.
HUNTINGTON BEACH, CA.

City of Huntington Beach
SEP 05 2008

1
K31
ROOF PLAN
SCALE: 1/8"=1'-0"

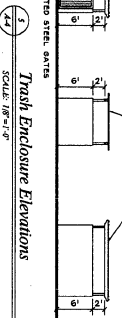
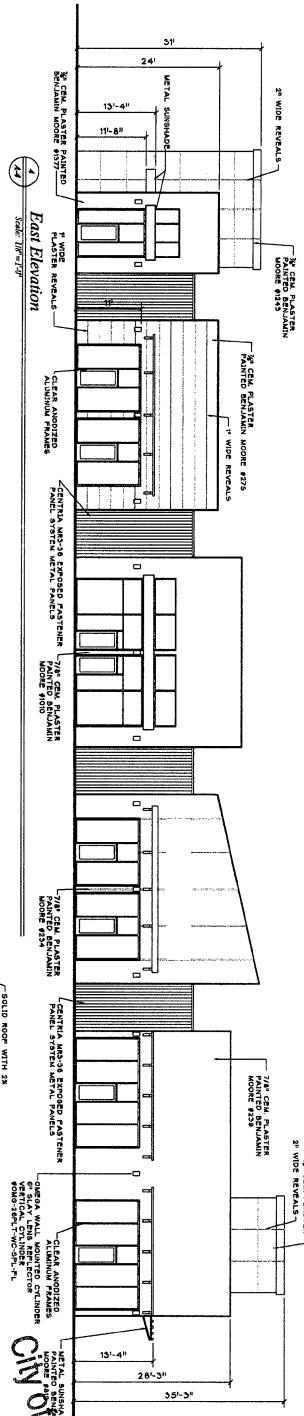
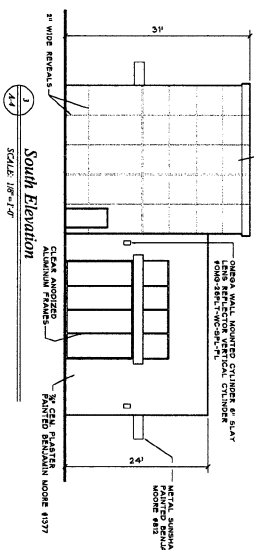
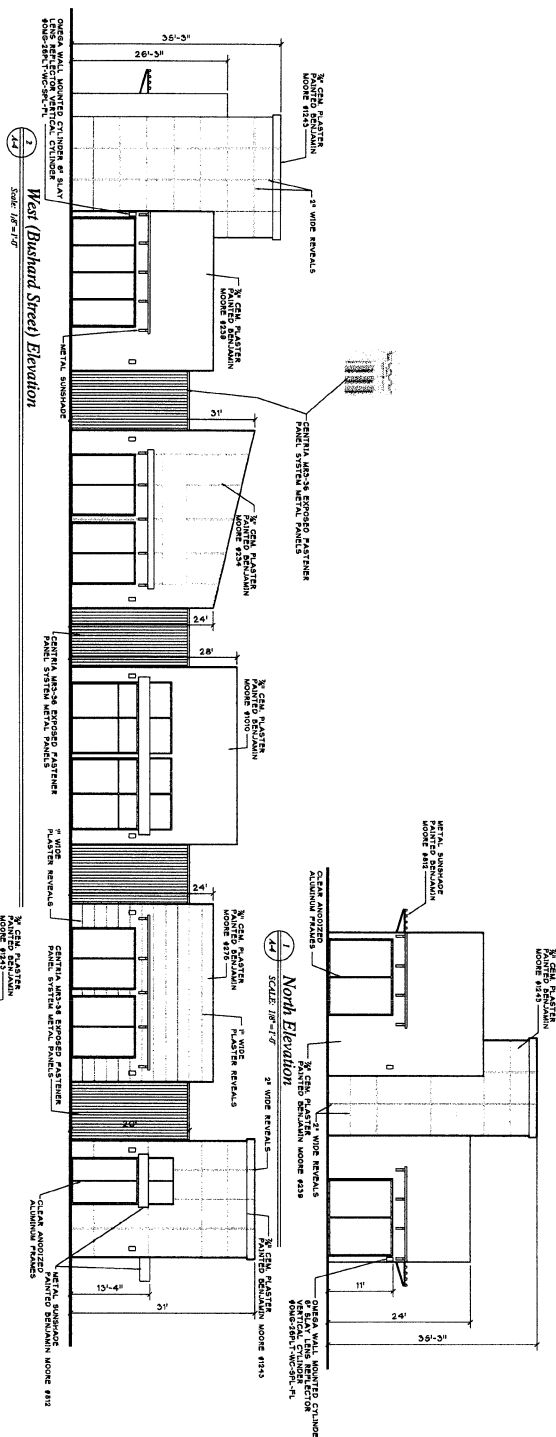


<p>1 K31 ROOF PLAN SCALE: 1/8"=1'-0"</p>		<p>City of Huntington Beach SEP 05 2008</p>	<p>1 K31 ROOF PLAN SCALE: 1/8"=1'-0"</p>	<p>1 K31 ROOF PLAN SCALE: 1/8"=1'-0"</p>	<p>1 K31 ROOF PLAN SCALE: 1/8"=1'-0"</p>
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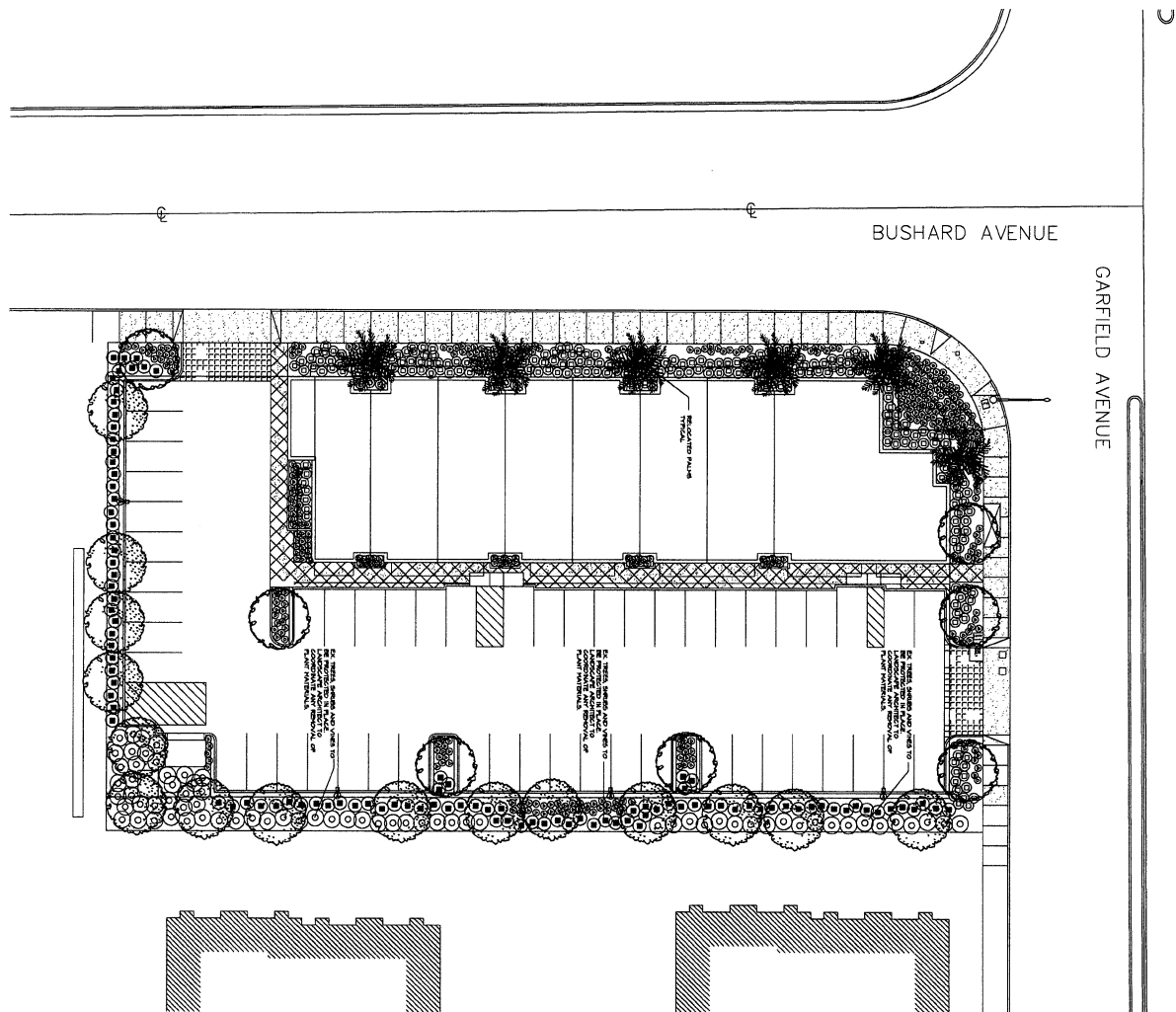
4-3.1



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GARFIELD AVENUE

BUSHARD AVENUE

SCALE 1/8" = 1'-0"



PLANT PALETTE

TREES:

SYM. BOTANICAL NAME COMMON NAME

RELOCATED FROM EXISTING SITE

QUERCUS AGRIFOLIA

ELAEAGNUS SUBSPICUOSA

RELOCATED FROM EXISTING SITE

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SEP 10 2008
City of Huntington Beach

DEMESNE DEVELOPMENT
8442 ALONDRA BOULEVARD
PARAMOUNT, CA 90723
1-562-634-9530

ENVIRONMENTAL LANDSCAPE CONCEPTS
LANDSCAPE ARCHITECTS
CA. L.A. 001480
2256 MEADOW LANE, FULLERTON, CALIFORNIA 92831-2123
VOICE 714-773-9266
email: donnelc@mindspring.com

ELC

PRELIMINARY LANDSCAPE CONCEPT

RETAIL CENTER

9500 GARFIELD AVE., HUNTINGTON BEACH, CA

date: 8/24/08

drawn by: Don

sheet: 1-1

job no. 28015

MATSON ARCHITECTS

13271 South Street
Cerritos, CA. 90703

(562) 402-9100
Fax (562) 402-6570
jmatson@matsonarch.com

June 19, 2008

Zoning Administrator
City of Huntington Beach
Planning Department
2000 Main Street
Huntington Beach, CA. 92648

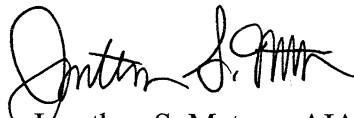
Written Narrative

Our client, Demesne Development Company, wishes to develop the property at 9500 Garfield Avenue, Huntington Beach as a neighborhood retail center. Demesne Development specializes in developing projects of this size and type. In fact, they have developed several of these drive through pharmacies that are now vacant.

At this time none of the space has been preleased. After approval of the design, Demesne will market the property to their extensive lists of tenants. The goal of Demesne is to provide a contemporary design that will allow tenants to express their individuality. They estimate that there may be as many as 8 separated tenants.

Please feel welcome to contact us with any questions regarding this project. Thank you.

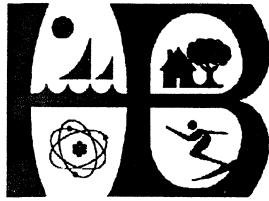
Sincerely,



Jonathan S. Matson, AIA

City of Huntington Beach

JUN 23 2008



**OFFICE of the ZONING ADMINISTRATOR
CITY OF HUNTINGTON BEACH • CALIFORNIA**

~~~~~  
P.O. BOX 190

CALIFORNIA 92648

(714) 536-5271

**NOTICE OF ACTION**

September 18, 2008

Johnathan Matson, AIA  
13271 South Street  
Cerritos, CA 90703

**SUBJECT:** **CONDITIONAL USE PERMIT NO. 08-030 (DEMESNE  
COMMERCIAL DEVELOPMENT)**

**APPLICANT:** Jonathan Matson, AIA

**REQUEST:** To permit the construction of an approximately 10,000 sq. ft.,  
single-story multitenant commercial/retail building and  
associated site improvements.

**PROPERTY OWNER:** Demesne Development Company, 8442 Alondra Boulevard,  
Paramount, CA 90723

**LOCATION:** 9500 Garfield Avenue, 92649 (southeast corner of Bushard  
Street and Garfield Avenue)

**PROJECT PLANNER:** Andrew Gonzales

**DATE OF ACTION:** September 17, 2008

On Wednesday, September 17, 2008, the Huntington Beach Zoning Administrator took action on your application, and your application was **conditionally approved**. Attached to this letter are the findings and conditions of approval.

Please be advised that the Zoning Administrator reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to commencement of the project. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion of your total application. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator becomes final at the expiration of the appeal

ATTACHMENT NO. 4.1

period. A person desiring to appeal the decision shall file a written notice of appeal to the Secretary of the Planning Commission within ten (10) calendar days of the date of the Zoning Administrator's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal. Said appeal must be accompanied by a filing fee of One Thousand Two Hundred Eighty-Seven Dollars (\$1287.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and One Thousand Five Hundred Sixty-Nine Dollars (\$1569.00) if the appeal is filed by any other party. In your case, the last day for filing an appeal and paying the filing fee is September 29, 2008, at 5:00 PM.

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, unless actual construction has begun.

Excepting those actions commenced pursuant the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to Government Code §66020.

If you have any questions regarding this Notice of Action letter or the processing of your application, please contact Andrew Gonzales, the project planner, at (714) 374-1547 or via email at [AGonzales@surfcity-hb.org](mailto:AGonzales@surfcity-hb.org) or the Planning Department Zoning Counter at (714) 536-5271.

Sincerely,



Ricky Ramos  
Zoning Administrator

RR:AG:kdc  
Attachment

c: Honorable Mayor and City Council  
Chair and Planning Commission  
Paul Emery, Interim City Administrator  
Scott Hess, Director of Planning  
William H. Reardon, Division Chief/Fire Marshal  
Herb Fauland, Planning Manager  
Terri Elliott, Principal Civil Engineer  
Gerald Caraig, Permit-Plan Check Manager  
Demense Development Company, Property Owner  
Project File

**ATTACHMENT NO. 1**

**FINDINGS AND CONDITIONS OF APPROVAL**

**CONDITIONAL USE PERMIT NO. 2008-030**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the proposed development consists of a new construction of multitenant commercial building with 10,000 sq. ft. of floor area not involving significant amounts of hazardous materials on a site where public services and facilities area available and the surrounding area is not environmentally sensitive.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-030:**

1. Conditional Use Permit No. 2008-030 for the construction of an approximately 10,000 sq. ft., single-story multitenant commercial/retail building and associated site improvements will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The subject property is designated for commercial neighborhood development under the General Plan. The proposed project is consistent with the permitted uses and development standards within this designation. The structure will be setback approximately 72 ft. from the abutting residential properties to the east and 54 ft. from the residential properties to the south. The site will be sufficiently parked and will have minimal impacts on the adjacent properties.
2. The proposed neighborhood shopping center, as conditioned, will be compatible with surrounding uses and developments. The subject project will replace a former commercial building with a single-story, multitenant commercial/retail building. The building's design is conditioned to be more compatible with the surrounding area by incorporating additional façade recesses, architectural eyebrows, and contrasting materials on the building elevations to minimize the structure's mass/bulk and create visual interest along the street frontage. As conditioned, the depth of the driveway adjacent to Garfield Avenue will be increased an additional 10 ft. to create safe vehicular ingress and egress for the site. The placement of the structure will be at the northwest corner of the subject site thereby providing an adequate setback from residential uses to the east and south. In addition, a 10 ft. landscape buffer is provided along the easterly property line to screen the parking lot from adjoining residential uses.
3. The proposed development will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The development complies with the minimum required setbacks and on-site parking and complies with the maximum allowed floor area ratio and building height.



4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the following goals and policies of the General Plan:

LU10.1.4. Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

LU10.1.12. Require that Commercial uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development including consideration of:

- a. Siting and design of structures to facilitate and encourage pedestrian activity;
- b. Siting of building to the street frontage to convey a visual relationship to the street and sidewalks;
- c. Architectural treatment of buildings to minimize visual bulk and mass, using techniques such as modulation of building volumes and articulation of all elevations.

UD 2.2.4 Require the undergrounding of utility lines.

U 5.1.2 Continue to underground above ground electrical transmission lines.

The proposed development is in compliance with the Urban Design Guidelines. The siting and design of the proposed structure allows for pedestrian connectivity between sidewalks and the subject site. The proposed architecture provides variations in roof heights and prominent unit entries and, as conditioned, incorporates quality materials in its design. Additionally, a condition to underground all onsite utility lines will aid to improve the visual character of the surrounding area.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2008-030:**

1. The site plan, floor plans, and elevations received and dated September 5, 2008, and preliminary landscape plan dated September 10, 2008, shall be the conceptually approved design with the following modifications:
  - a. Increase the depth of the parking lot driveway serving Garfield Avenue to 20 ft by removing the northernmost parking spaces on each side of the drive aisle and increase the proposed paving band an additional 10 ft.
  - b. Relocate the proposed trash enclosure in an area adjacent to the southeast corner of the proposed building.
  - c. The corrugated metal panels on the building elevations shall be omitted and replaced with either decorative masonry block or finished wood.
  - d. Limit the number of metal sunshades variations to two designs.
  - e. The uppermost portion of the north and south tower feature shall incorporate a continuous architectural eyebrow utilizing a variation of the sunshade designs, as determined by Condition 1d, around all sides of the building wall.

- f. The north unit, adjacent to the corner of Garfield Avenue and Bushard Street, shall provide a 1 ft. recess in the areas located above the five windows panes. The recessed area shall match the unit store fronts depicted without exterior reveals.
2. Parking lot lights shall be automatically dimmed to minimal security level lighting one hour after the final business closing and shall be maintained at minimum security level at all times.
3. Prior to issuance of grading permits, the following shall be completed:
  - a. The proposed curb opening and rectangular channel to convey the site's drainage offsite into the public curb and gutter system on Garfield Avenue shall address NPDES requirements for water quality Best Management Practices (BMP). The site's surface drainage shall not drain directly into the City's curb and gutter system without first being treated through a City approved water quality BMP. **(PW)**
  - b. Provide a Precise Grading Plan identifying that the damaged curb, gutter and sidewalk along the Garfield Avenue and Bushard Street frontages shall be removed and replaced per Public Works Standard Plan Nos. 202 and 207. **(PW)**
  - c. Blockwall/fencing plan (including a site plan, section drawings, and elevations depicting the height, color, and material of all retaining walls, walls, and fences) consistent with the grading plan, shall be submitted to and approved by the Planning Department. The plan shall provide an eight foot tall common wall along the entire length of the east and south property lines. Said walls shall provide a gradual height transition to match adjoining walls. Applicant shall coordinate with adjacent property owners and make reasonable attempts to construct one common property line wall. If coordination between property owners cannot be accomplished, the applicant shall construct the wall located entirely within the subject property and with a two (2) inch maximum separation from the property line. Removal of any walls on private residential property and construction of new common walls shall include approval by property owners of adjacent properties.
4. Prior to submittal for building permits, one set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Department.
5. Prior to final inspection or occupancy all existing utilities that occur along the project's Bushard Street frontage and all utilities that cross Garfield Avenue to the single pole at the project's Garfield Avenue frontage that are exclusively serving the site shall be under-grounded. This includes the Southern California Edison (SCE) aerial lines and poles along the entire length of the westerly frontage of the subject project. This condition applies to all utilities, including but not limited to all telephone, electric, and Cable TV lines. If required, easements shall be quitclaimed and/or new easements granted to the corresponding utility companies. **(PW)**
6. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and

Environmental Design (LEED) Program certification  
(<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green  
Building Guidelines and Rating Systems  
(<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

# DRAFT

**MINUTES**  
**HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR**  
**Room B-8 - Civic Center**  
**2000 Main Street**  
**Huntington Beach California**

**WEDNESDAY, SEPTEMBER 17, 2008 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Jill Arabe, Hayden Beckman, Andrew Gonzales, Rami Talleh, Kimberly De Coite (recording secretary)

**ITEM 3: CONDITIONAL USE PERMIT NO. 08-030 (DEMESNE COMMERCIAL DEVELOPMENT)**

**APPLICANT:** Johnathan Matson  
**PROPERTY OWNER:** Demesne Development Company, 8442 Alondra Boulevard, Paramount, CA 90723  
**REQUEST:** To permit the construction of an approximately 10,000 sq. ft., single-story multitenant commercial/retail building and associated site improvements.  
**LOCATION:** 9500 Garfield Avenue, 92649 (southeast corner of Bushard Street and Garfield Avenue)  
**PROJECT PLANNER:** Andrew Gonzales

Andrew Gonzales, Assistant Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Mr. Gonzales stated that modifications to suggested Condition of Approval No. 4 were received on September 16, 2008 from the Public Works Department, requiring undergrounding utilities on both Bushard Street and Garfield Street. Mr. Gonzales noted that Terri Elliott, Principal City Engineer, was present to answer any questions about the conditions required by the Public Works Department.

Mr. Gonzales stated that two inquiries were received on this project, one from an adjoining property owner expressing concern over the location of the trash enclosure, indicating a preference to move it closer to Bushard Street. Mr. Gonzales noted that there has been a history of transients frequenting the area and moving the trash enclosure would be an attempt to discourage that. The second inquiry listed general concerns about possible tenants, specifically liquor stores or other similar uses. Mr. Gonzales indicated that alcohol sales would be subject to a discretionary permit and neighbors would be noticed should that permit be requested. Mr. Gonzales stated that there was also concern with rodent infestation at two palm trees located at the north east corner of the lot. He stated that the palm trees would be removed and replaced with two Live Oak trees.

Mr. Ramos asked if the applicant had been provided with the revised condition from the Public Works Department. Mr. Gonzales stated that staff provided the applicant with that condition directly prior to the meeting.

#### **THE PUBLIC HEARING WAS OPENED.**

Johnathan Matson, applicant, stated that he was concerned with the suggested condition of approval requiring undergrounding of utilities. He stated that he did not object to undergrounding the utilities to the single pole on Garfield but that including the poles on Bushard seemed unreasonable given that no adjacent properties have similar conditions. He noted that the additional costs of undergrounding might encourage the owner to develop a different property.

Mr. Matson raised several concerns regarding other conditions of approval. He stated that he would prefer not to lose the two additional parking spaces and also would prefer to use the metal siding as indicated on his request but would be willing to substitute it for concrete block if required.

Mr. Ramos confirmed with Mr. Matson that he objected to undergrounding anything except the one pole. Mr. Matson stated that undergrounding the one pole was acceptable. He felt anything beyond the one pole was excessive.

Mr. Ramos asked staff what exactly would need to be undergrounded. Ms. Elliot stated that phone lines, cable lines and fiber optic lines would need to be undergrounded.

Mr. Ramos asked staff if other projects with this condition had been completed. Ms. Elliott confirmed that they had. Mr. Ramos asked if the costs for undergrounding utilities for this project were greater than the cost for past projects. Ms. Elliott stated that the costs would be comparable.

Mr. Ramos asked if the applicant had spoken with the property owner regarding this condition. Mr. Matson indicated that he had not sufficient time to do so.

Diana LaRusso, 19051 Windridge Lane, stated that she felt the proposed project would be detrimental to the area. She expressed concern about replacing a single tenant with multiple tenants, citing increased noise and traffic. She inquired about regulations on tenant operating hours, noise restrictions, lighting and security cameras. She requested that the trash enclosure be moved closer to Bushard Street, stating that transients have frequented the enclosure.

Ms. LaRusso asked if the property would share a common wall with her neighborhood. Mr. Gonzales confirmed that the properties would share a common wall. Ms. LaRusso asked if the height of that wall could be raised. Mr. Ramos asked for the current wall height. Mr. Gonzales stated that it was six feet tall.

Mr. Ramos noted that there were no recommended hours for tenants. He stated that there was potential for the trash enclosure to be relocated.

Mr. Gonzales stated that the code required lighting to be energy efficient, and not to reflect glare on residents. He indicated that the lighting would be dimmed when not in use, on a time clock or photo sensor system.

Maria Sesma, 19045 Windridge Lane, requested that the wall height be raised to discourage trespassing and encourage privacy. She noted that the windows of her residence are above the wall line. She stated that she was concerned with the types of businesses that may become tenants and also with the safety of the nearby intersection, noting a high rate of collisions.

Terry Dunne, 19052 Windridge Lane, stated that he was in agreement with Ms. LaRusso's and Ms. Sesma's comments. He stated that he felt the undergrounding utilities was excessive and not cost efficient. He objected to the proposed location of the trash enclosure and encouraged the trash enclosure to be relocated closer to Bushard Street, where it would have a lesser impact on residents. Mr. Dunne requested that the common wall height be raised by two feet due to privacy concerns.

**THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.**

Mr. Ramos asked Mr. Matson if he objected to extending the height of the common wall. Mr. Matson requested that the extension be made from non-masonry material, stating that it might otherwise require the wall to be raised and rebuilt in its entirety.

Mr. Ramos indicated that he was not inclined to place a condition on the usage hours at this time.

Mr. Ramos stated that he was in agreement with the condition requiring undergrounded utilities and asked Mr. Matson if he would like a continuance in order to research pricing and present findings on any unique circumstances that would make undergrounding utilities on this project prohibitively more expensive than on other properties that have adhered to the condition in the past. Mr. Matson stated that he did not want a continuation.

Mr. Ramos stated that the findings and conditions of approval would include the following changes: In Finding 1 change west to east and edit the last sentence to say "will have minimal impacts on adjacent properties." In Finding 4 cite 2 findings in the general plan that pertain to undergrounding (U.5.1.2 , UD 2.2.4).

Mr. Ramos adopted all of the staff changes to the Conditions of Approval , including Condition 4. He stated that a requirement be added to extend the height of the common wall along east and south sides to eight feet, providing the adjacent owners agree. If the raising of the common wall is not agreed to then an adjacent eight foot high wall will be constructed. Additionally, the trash enclosure would be relocated to the southeast corner of the building, away from residents, and an additional requirement for a dual level lighting system that provides dimming when the site is not in use.

Mr. Ramos stated that he will approve the request as modified.

**CONDITIONAL USE PERMIT NO. 08-030 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.**

## **FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the proposed development consists of a new construction of multitenant commercial building with 10,000 sq. ft. of floor area not involving significant amounts of hazardous materials on a site where public services and facilities area available and the surrounding area is not environmentally sensitive.

## **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-030:**

1. Conditional Use Permit No. 2008-030 for the construction of an approximately 10,000 sq. ft., single-story multitenant commercial/retail building and associated site improvements will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The subject property is designated for commercial neighborhood development under the General Plan. The proposed project is consistent with the permitted uses and development standards within this designation. The structure will be setback approximately 72 ft. from the abutting residential properties to the east and 54 ft. from the residential properties to the south. The site will be sufficiently parked and will have minimal impacts on the adjacent properties.
2. The proposed neighborhood shopping center, as conditioned, will be compatible with surrounding uses and developments. The subject project will replace a former commercial building with a single-story, multitenant commercial/retail building. The building's design is conditioned to be more compatible with the surrounding area by incorporating additional façade recesses, architectural eyebrows, and contrasting materials on the building elevations to minimize the structure's mass/bulk and create visual interest along the street frontage. As conditioned, the depth of the driveway adjacent to Garfield Avenue will be increased an additional 10 ft. to create safe vehicular ingress and egress for the site. The placement of the structure will be at the northwest corner of the subject site thereby providing an adequate setback from residential uses to the east and south. In addition, a 10 ft. landscape buffer is provided along the easterly property line to screen the parking lot from adjoining residential uses.
3. The proposed development will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The development complies with the minimum required setbacks and on-site parking and complies with the maximum allowed floor area ratio and building height.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the following goals and policies of the General Plan:

LU10.1.4. Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

LU10.1.12. Require that Commercial uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development including consideration of:

- a. Siting and design of structures to facilitate and encourage pedestrian activity;
- b. Siting of building to the street frontage to convey a visual relationship to the street and sidewalks;
- c. Architectural treatment of buildings to minimize visual bulk and mass, using techniques such as modulation of building volumes and articulation of all elevations.

UD 2.2.4 Require the undergrounding of utility lines.

U 5.1.2 Continue to underground above ground electrical transmission lines.

The proposed development is in compliance with the Urban Design Guidelines. The siting and design of the proposed structure allows for pedestrian connectivity between sidewalks and the subject site. The proposed architecture provides variations in roof heights and prominent unit entries and, as conditioned, incorporates quality materials in its design. Additionally, a condition to underground all onsite utility lines will aid to improve the visual character of the surrounding area.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2008-030:**

1. The site plan, floor plans, and elevations received and dated September 5, 2008, and preliminary landscape plan dated September 10, 2008, shall be the conceptually approved design with the following modifications:
  - a. Increase the depth of the parking lot driveway serving Garfield Avenue to 20 ft by removing the northernmost parking spaces on each side of the drive aisle and increase the proposed paving band an additional 10 ft.
  - b. Relocate the proposed trash enclosure in an area adjacent to the southeast corner of the proposed building.
  - c. The corrugated metal panels on the building elevations shall be omitted and replaced with either decorative masonry block or finished wood.
  - d. Limit the number of metal sunshades variations to two designs.
  - e. The uppermost portion of the north and south tower feature shall incorporate a continuous architectural eyebrow utilizing a variation of the sunshade designs, as determined by Condition 1d, around all sides of the building wall.
  - f. The north unit, adjacent to the corner of Garfield Avenue and Bushard Street, shall provide a 1 ft. recess in the areas located above the five windows panes. The recessed area shall match the unit store fronts depicted without exterior reveals.
2. Parking lot lights shall be automatically dimmed to minimal security level lighting one hour after the final business closing and shall be maintained at minimum security level at all times.
3. Prior to issuance of grading permits, the following shall be completed:
  - a. The proposed curb opening and rectangular channel to convey the site's drainage offsite into the public curb and gutter system on Garfield Avenue shall address NPDES requirements for water quality Best Management Practices (BMP). The



- c. Blockwall/fencing plan (including a site plan, section drawings, and elevations depicting the height, color, and material of all retaining walls, walls, and fences) consistent with the grading plan, shall be submitted to and approved by the Planning Department. The plan shall provide an eight foot tall common wall along the entire length of the east and south property lines. Said walls shall provide a gradual height transition to match adjoining walls. Applicant shall coordinate with adjacent property owners and make reasonable attempts to construct one common property line wall. If coordination between property owners cannot be accomplished, the applicant shall construct the wall located entirely within the subject property and with a two (2) inch maximum separation from the property line. Removal of any walls on private residential property and construction of new common walls shall include approval by property owners of adjacent properties.
4. Prior to submittal for building permits, one set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Department.
5. Prior to final inspection or occupancy all existing utilities that occur along the project's Bushard Street frontage and all utilities that cross Garfield Avenue to the single pole at the project's Garfield Avenue frontage that are exclusively serving the site shall be undergrounded. This includes the Southern California Edison (SCE) aerial lines and poles along the entire length of the westerly frontage of the subject project. This condition applies to all utilities, including but not limited to all telephone, electric, and Cable TV lines. If required, easements shall be quitclaimed and/or new easements granted to the corresponding utility companies. (PW)
6. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

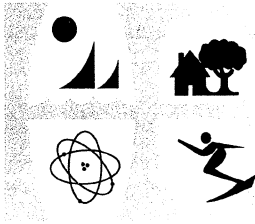
The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

**THE MEETING WAS ADJOURNED AT 2:30 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, SEPTEMBER 24, 2008 AT 1:30 PM.**

---

Ricky Ramos  
Zoning Administrator

RR:kdc



# City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

## DEPARTMENT OF PLANNING

September 2, 2008

Johnathan Matson, AIA  
13271 South Street  
Cerritos, CA 90703

**SUBJECT: CONDITIONAL USE PERMIT NO. 2008-030 (DEMESNE COMMERCIAL DEVELOPMENT) – 9500 GARFIELD AVENUE  
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

Dear Applicant,

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This list is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Zoning Administrator. Please note that if the design of your project or site conditions change, the list may also change.

The attached project implementation code requirements may be appealed to the Planning Commission as a matter separate from the associated entitlement(s) within ten calendar days of the approval of the project pursuant to the Huntington Beach Zoning and Subdivision Ordinance Section 248.24. The appeal fee is \$494.00.

If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at [agonzales@surfcity-hb.org](mailto:agonzales@surfcity-hb.org) or 714-374-1547 and/or the respective source department (contact person below).

Sincerely,

  
\_\_\_\_\_  
Andrew Gonzales  
Assistant Planner

Enclosures:

Fire Department requirements dated September 1, 2008  
Public Works Department requirements dated August 29, 2008

Planning Department requirements dated August 28, 2008  
Police Department requirements dated July 8, 2008  
Building Department requirements dated July 1, 2008

Cc: Herb Fauland, Planning Manager  
Jason Kelley, Planning Department  
Darin Maresh, Fire Department – 714-536-5531  
Steve Bogart, Public Works – 714-374-1692  
Jan Thomas, Police – 949-348-8186  
Jason Kwak, Building and Safety Department – 714-536-5278  
Demesne Development Company, 8442 Alondra Boulevard, Paramount, CA 90723  
Project File



## CITY OF HUNTINGTON BEACH FIRE DEPARTMENT

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** SEPTEMBER 1, 2008  
**PROJECT NAME:** DEMNSE COMMERCIAL DEVELOPMENT  
**ENTITLEMENTS:** PLANNING APPLICATION NO. 2008-133  
**PROJECT LOCATION:** 9500 GARFIELD AVE, HUNTINGTON BEACH, CA  
**PLANNER:** ANDREW GONZALES, ASSISTANT PLANNER  
**TELEPHONE/E-MAIL:** (714) 374-1547/ AGONZALES@SURFCITY-HB.ORG  
**PLAN REVIEWER-FIRE:** DARIN MARESH, FIRE DEVELOPMENT SPECIALIST  
**TELEPHONE/E-MAIL:** (714) 536-5531/ DMARESH@SURFCITY-HB.ORG  
**PROJECT DESCRIPTION:** TO PERMIT THE CONSTRUCTION OF AN APPROXIMATELY 10,000 SQ. FT., SINGLE-STORY MULTITENANT COMMERCIAL/RETAIL BUILDING AND ASSOCIATED SITE IMPROVEMENTS.

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The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated September 1, 2008. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Zoning Administrator in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer- Fire: Darin Maresh, FIRE DEVELOPMENT SPECIALIST.

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**PRIOR TO DEMOLITION, GRADING, SITE DEVELOPMENT, ISSUANCE OF GRADING PERMITS, BUILDING PERMITS, AND/OR CONSTRUCTION, THE FOLLOWING SHALL BE REQUIRED:**

### **Fire Apparatus Access**

**NOTE:** Existing Fire Roads do not meet current City Specifications for widths. Any future changes to the parking configuration or square footage additions to the building may require the fire road widths to be brought up to the following current specification requirements at that time. This is a documented and historically-existing condition which requires no changes at this time due to or during the façade remodel. (FD)

**Fire Access Roads** shall be provided and maintained in compliance with City Specification # 401, *Minimum Standards for Fire Apparatus Access*. Driving area shall be capable of supporting

a fire apparatus (75,000 lbs and 12,000 lb point load). Minimum fire access road width is twenty-four feet (24') wide, with thirteen feet six inches (13' 6") vertical clearance. Fire access roads fronting commercial buildings shall be a minimum width of twenty-six feet (26') wide, with thirteen feet six inches (13' 6") vertical clearance. For Fire Department approval, reference and demonstrate compliance with City Specification # 401 *Minimum Standards for Fire Apparatus Access* on the plans. (FD)

**Fire Access Road Turns and Corners** shall be designed with a minimum inner radius of seventeen feet (17') and a minimum outer radius of forty five feet (45') per City Specification # 401 *Minimum Standards for Fire Apparatus Access*. For Fire Department approval, reference and demonstrate compliance with City Specification # 401 *Minimum Standards for Fire Apparatus Access* on the plans. (FD)

**Maximum Grade For Fire Apparatus Access Roads** shall not exceed 10%. (FD)

**Reciprocal Access.** Existing designated 24 foot wide fire apparatus access roads (shared as a 12'/12' reciprocal fire apparatus access road/driveway shall be preserved and maintained in compliance with City Specification # 401, *Minimum Standards for Fire Apparatus Access*. Overhead clearance of 13' 6" shall be maintained and obstructions such as roof eaves shall not project into the designated fire lane minimum overhead clearance. (FD)

**Supplemental Fire Apparatus Access.** Additional driveway depth extending beyond the identified existing 24 foot fire apparatus access road shall be identified and viewed as supplemental fire apparatus access and be maintained at the portrayed minimum Planning Department width. A hammer-head turn around will not be required by the Fire Department for this configuration. (FD)

**No Parking** shall be allowed in the designated 24 foot wide fire apparatus access road or supplemental fire access per City Specification # 415. For Fire Department approval, reference and demonstrate compliance with City Specification # 415 *Minimum Standards for Fire Apparatus Access* on the plans. (FD)

**Fire Lanes**, as determined by the Fire Department, shall be posted, marked, and maintained per City Specification #415, *Fire Lanes Signage and Markings on Private, Residential, Commercial and Industrial Properties*. The site plan shall clearly identify all red fire lane curbs, both in location and length of run. The location of fire lane signs shall be depicted. No parking shall be allowed in the designated 24 foot wide fire apparatus access road or supplemental fire access per City Specification # 415. For Fire Department approval, reference and demonstrate compliance with City Specification # 401 *Minimum Standards for Fire Apparatus Access* on the plans. (FD)

## **Fire Hydrants and Water Systems**

**Fire Hydrants** are required. 2 hydrants are required – See attached sheet for recommended locations. Hydrants must be portrayed on the site plan. Hydrants shall be installed and in service **before** combustible construction begins. Installation of hydrants and service mains shall meet

NFPA 13 and 24, 2002 Edition, Huntington Beach Fire Code Appendix B and C, and City Specification # 407 Fire Hydrant Installation Standards requirements. Maximum allowed velocity of fire flow in supply piping is 12 fps. Plans shall be submitted to Public Works and approved by the Public Works and Fire Departments. For Fire Department approval, portray the fire hydrants and reference compliance with NFPA 13 and 24, 2002 Edition, Huntington Beach Fire Code Appendix B and C, and City Specification #407 Fire Hydrant Installation Standards in the plan notes. (FD)

## Fire Suppression Systems

### Fire Alarms

**Fire Alarm System** is required. For Fire Department approval, shop drawings shall be submitted to the Fire Department as separate plans for permits and approval. For Fire Department approval, reference and demonstrate compliance with *UBC 305.9* on the plans. A C-10 electrical contractor, certified in fire alarm systems, must certify the system is operational annually. (FD)

### Fire Sprinklers

**NOTE:** Significant changes to the Huntington Beach Fire Code have occurred as of January 1, 2008 as a result of the adoption of the International Fire and Building Codes by the State of California. An option may be available to the applicant to demise a portion of the structure with a rated fire barrier. Fire sprinklers will be required for fire areas 5000 square feet or greater or combined floor areas 10,000 square feet or greater per adopted Huntington Beach Fire Department amendments. (FD)

**Automatic Fire Sprinklers** are required. NFPA13 Automatic fire sprinkler systems are required per Huntington Beach Fire Code for new buildings with "fire areas" 5000 square feet or more or for buildings 10,000 square feet or more. An addition of square footage to an existing building also triggers this requirement.

Separate plans (three sets) shall be submitted to the Fire Department for permits and approval. The system shall provide water flow, tamper and trouble alarms, manual pull stations, interior and exterior horns and strobes, and 24-hour central station monitoring.

Automatic fire sprinkler systems must be maintained operational at all times, with maintenance inspections performed quarterly and the system serviced every five years by a state licensed C-16 Fire Protection Contractor.

For Fire Department approval, reference that a fire sprinkler system will be installed in compliance with the Huntington Beach Fire Code, NFPA 13, and City Specification # 420 - *Automatic Fire Sprinkler Systems* in the plan notes.

**NOTE:** When buildings under construction are more than one (1) story in height and required to have automatic fire sprinklers, the fire sprinkler system shall be installed and

operational to protect all floors lower than the floor currently under construction. Fire sprinkler systems for the current floor under construction shall be installed, in-service, inspected and approved prior to beginning construction on the next floor above. (FD)

**Fire Department Connections (FDC)** to the automatic fire sprinkler systems shall be located to the front of the building, at least 25 feet from and no farther than 150 feet of a properly rated fire hydrant. (FD)

### **Fire Protection Systems**

**Fire Extinguishers** shall be installed and located in all areas to comply with Huntington Beach Fire Code standards found in *City Specification #424*. The minimum required dry chemical fire extinguisher size is 2A 10BC and shall be installed within 75 feet travel distance to all portions of the building. Extinguishers are required to be serviced or replaced annually. (FD)

**Commercial Food Preparation Fire Protection System** required for commercial cooking. Plans (three sets) shall be submitted to the Fire Department as separate plans for permits and approval. Reference compliance with *City Specification # 412 Protection Of Commercial Cooking Operations* in the plan notes. (FD)

### **Fire Personnel Access**

**Main Secured Building Entries** shall utilize a KNOX® Fire Department Access Key Box, installed and in compliance with City Specification #403, Fire Access for Pedestrian or Vehicular Security Gates & Buildings. Please contact the Huntington Beach Fire Department Administrative Office at (714) 536-5411 for information. Reference compliance with City Specification #403 - KNOX® Fire Department Access in the building plan notes. (FD)

**Fire Sprinkler System Controls** access shall be provided, utilizing a KNOX® Fire Department Access Key Box, installed and in compliance with City Specification #403, Fire Access for Pedestrian or Vehicular Security Gates & Buildings. The approximate location of the system controls shall be noted on the plans. Reference compliance in the plan notes. (FD)

### **Addressing and Street Names**

**Commercial Building Address Numbers** shall be installed to comply with City Specification #428, Premise Identification. Building address number sets are required on front and rear of the structure and shall be a minimum of six inches (6") high with one and one half inch (1 ½") brush stroke. Note: Units shall be identified with numbers per City Specification # 409 Street Naming and Address Assignment Process. Unit address numbers shall be a minimum of four inches (4") affixed to the units front and rear door. All address numbers are to be in a contrasting color. For Fire Department approval, reference compliance with City Specification #428 Premise Identification in the plan notes and portray the address location on the building. (FD)



**Individual Units Addresses.** Individual units shall be identified and numbered per City Specification # 409 Street Naming and Address Assignment Process through the Planning Department. Unit address numbers shall be a minimum of four inches (4") affixed to the units front door in a contrasting color. For Fire Department approval, reference compliance with City Specification #409 Street Naming and Address Assignment Process, in the plan notes and portray the address and unit number of the individual occupancy area. **(FD)**

### **GIS Mapping Information**

- a. **GIS Mapping Information** shall be provided to the Fire Department in compliance with GIS Department CAD Submittal Guideline requirements. Minimum submittals shall include the following:

- Site plot plan showing the building footprint.
- Specify the type of use for the building
- Location of electrical, gas, water, sprinkler system shut-offs.
- Fire Sprinkler Connections (FDC) if any.
- Knox Access locations for doors, gates, and vehicle access.
- Street name and address.

Final site plot plan shall be submitted in the following digital format and shall include the following:

- Submittal media shall be via CD rom to the Fire Department.
- Shall be in accordance with County of Orange Ordinance 3809.
- File format shall be in .shp, AutoCAD, AUTOCAD MAP (latest possible release ) drawing file - .DWG (preferred) or Drawing Interchange File - .DXF.
- Data should be in NAD83 State Plane, Zone 6, Feet Lambert Conformal Conic Projection.
- Separate drawing file for each individual sheet.  
In compliance with Huntington Beach Standard Sheets, drawing names, pen colors, and layering convention. and conform to *City of Huntington Beach Specification # 409 – Street Naming and Addressing*.

For specific GIS technical requirements, contact the Huntington Beach GIS Department at (714) 536-5574.

For Fire Department approval, reference compliance with *GIS Mapping Information* in the building plan notes. **(FD)**

### **Building Construction**

**Exit Signs And Exit Path Markings** will be provided in compliance with the Huntington Beach Fire Code and Title 24 of the California Administrative Code. Reference compliance in the plan notes. **(FD)**

**Decorative Materials** shall be in conformance with HBFC sec. 1103.3.3 and shall be flame resistant. (FD)

**Posting Of Room Occupancy** is required. Any room having an occupant load of 50 or more where fixed seats are not installed, and which is used for assembly purposes, shall have the capacity of the room posted in a conspicuous place near the main exit per HBFC sec. 2501.16.1. (FD)

**Egress Illumination/Emergency Exit Lighting** with emergency back-up power is required. Provide means of egress illumination per HBFC 1211.1 and UBC 1003.2.9. (FD)

**Exit Ways and Aisles Plan** is required for this project. HBFC section 2501.14. Plans shall be submitted indicating the seating arrangement, location and width of exit ways and aisles for approval and an approved copy of the plan shall be kept on display on the premises. (FD)

**Gates and Barriers** shall be openable without the use of a key or any special knowledge or effort. Gates and barriers in a means of egress shall not be locked, chained, bolted, barred, latched or otherwise rendered unopenable at times when the building or area served by the means of egress is occupied, and shall swing in the direction of travel when required by the Building Code for exit doors. (FD)

**Furniture** sold in California must, at a minimum, comply with Technical Bulletins 116 and 117 (this has been state law since 1975). However, if the furniture is to be used in public buildings, it shall comply with Technical Bulletin 133. Public buildings are described as prisons, jails, hospitals, health care facilities, board and care homes, convalescent homes, child care facilities, stadiums, auditoriums, and public assembly areas of hotels and motels. A church sanctuary most closely resembles an auditorium and would have to comply with TB 133. (FD)

**Flame Retardant Certification.** Please provide proof, to the Huntington Beach Fire Department that the construction of the fabric used in the assembly area are certified as flame retardant.

Excerpt from the California State Fire Marshal's website:

"In California, the Office of the State Fire Marshal staff issue certificates of registration for approved flame retardant chemicals, for those individuals and companies that apply flame retardant chemicals, for nonflammable materials, and for fabrics that have been treated with flame retardant chemicals. All approved and registered flame-retardant chemicals; nonflammable materials and treated fabrics are first subjected to laboratory testing and must satisfactorily demonstrate their flame-retardant capabilities. The SFM has the authority in drinking and dining establishments, places of public assembly and schools, to require decorative materials and fabrics (curtains, drapes, drops, hangings and tents, awnings or other fabric enclosures) be made from a nonflammable material, or treated with approved flame retardant chemicals." (FD)

**Maintenance Of Interior Wall And Ceiling Finishes.** Huntington Beach Fire Code Section 1112 –Interior wall and ceiling finishes shall be in accordance with the Building Code.

Awning materials shall bear fire resistive labels, California State Fire Marshal's "Registered Flame Retardant" emblem, or other information identifying the material as fire retardant.

Please provide proof, to the Huntington Beach Fire Department that the construction of the fabric of all drapes, used in the assembly area, are certified as flame retardant. **If the fabric is not flame retardant, then they shall not be utilized in the occupancy at any time, for any purpose.**

If the fabrics are not fire retardant, and you desire to use the fabrics for decorative purposes, then they shall be treated with a flame retardant finish application approved by the California State Fire Marshal's Office. Once treated, a copy of each "Registered Flame Retardant" certificate shall be submitted to the Huntington Beach Fire Department prior to using the material for future use. For further information about fire retardant application, go to the Office of the California State Fire Marshal website: "osfm.fire.ca.gov It is your responsibility to ensure that all decorative materials, used in the occupancy, are certified "Registered Flame Retardant" by the California State Fire Marshal's office prior to approving their use in the occupancy. Otherwise, the materials are to be removed immediately.

In California, the Office of the State Fire Marshal staff issue certificates of registration for approved flame retardant chemicals, for those individuals and companies that apply flame retardant chemicals, for nonflammable materials, and for fabrics that have been treated with flame retardant chemicals. All approved and registered flame-retardant chemicals; nonflammable materials and treated fabrics are first subjected to laboratory testing and must satisfactorily demonstrate their flame-retardant capabilities. The SFM has the authority in drinking and dining establishments, places of public assembly and schools, to require decorative materials and fabrics (curtains, drapes, drops, hangings and tents, awnings or other fabric enclosures) be made from a nonflammable material, or treated with approved flame retardant chemicals. That authority has expanded over the years to include other decorative materials such as artificial plants, Christmas trees, and trade show display equipment.

Other SFM laws and regulations address the fire retardant qualities of fabrics for children's sleep-ware and sheets and pillowcases used in health care facilities. Many countries such as France, England and Germany have adopted programs similar to the Office of the State Fire Marshal's program.

**THE FOLLOWING CONDITIONS SHALL BE MAINTAINED DURING CONSTRUCTION:**

- a. Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with HBFC Chapter 14, Fire Safety During Construction And Demolition. (FD)
- b. Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with City Specification #426, Fire Safety Requirements for Construction Sites. (FD)

**OTHER:**

- a. Discovery of additional soil contamination or underground pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly in compliance with City Specification #431-92 Soil Clean-Up Standards. **(FD)**
- b. Outside City Consultants The Fire Department review of this project and subsequent plans may require the use of City consultants. The Huntington Beach City Council approved fee schedule allows the Fire Department to recover consultant fees from the applicant, developer or other responsible party. **(FD)**

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Fire Department City Specifications may be obtained at:

Huntington Beach Fire Department Administrative Office

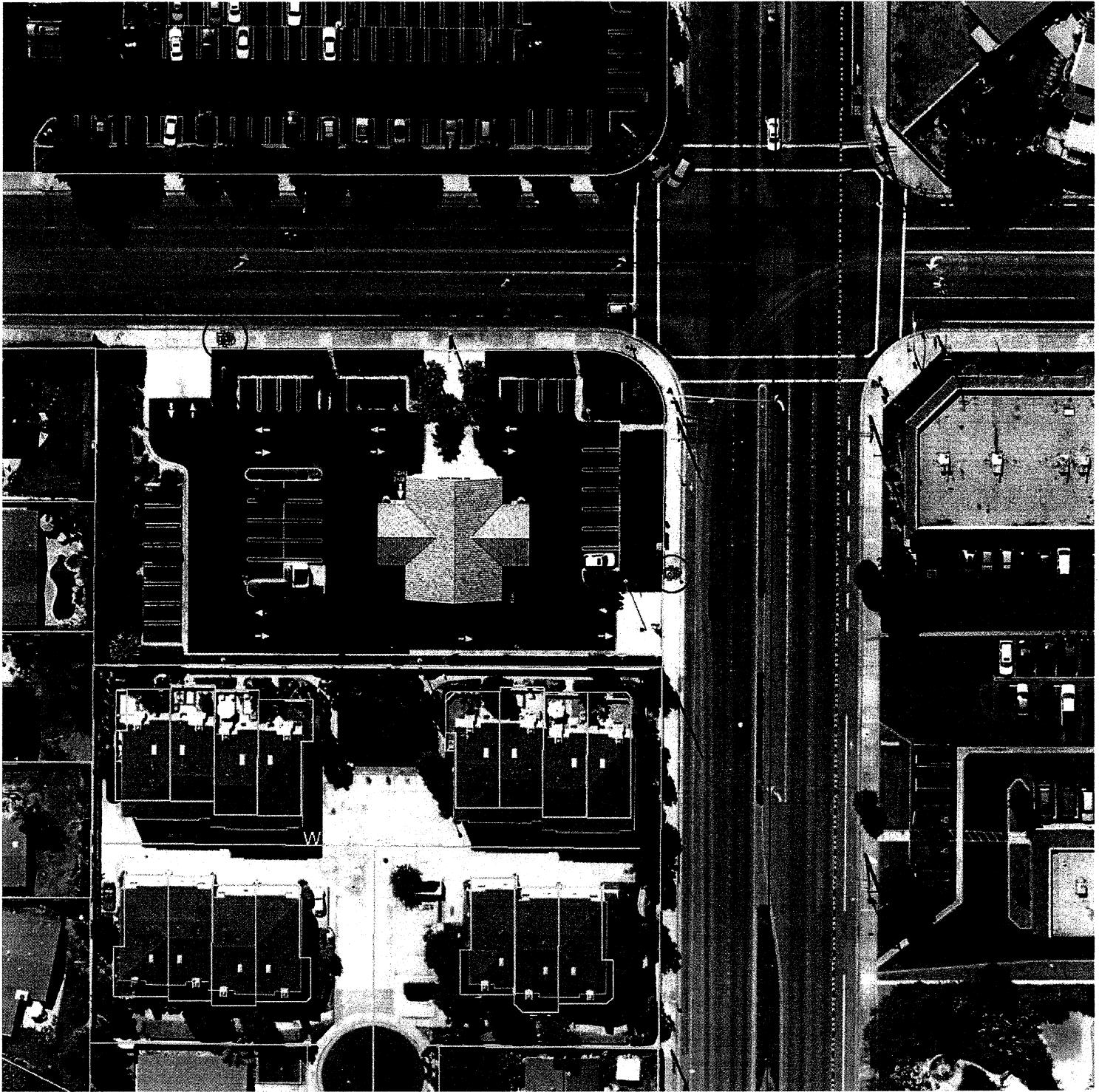
City Hall 2000 Main Street, 5<sup>th</sup> floor

Huntington Beach, CA 92648

or through the City's website at [www.surfcity-hb.org](http://www.surfcity-hb.org)

If you have any questions, please contact the Fire Prevention Division at (714) 536-5411.

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## HUNTINGTON BEACH PUBLIC WORKS DEPARTMENT

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** AUGUST 29, 2008  
**PROJECT NAME:** DEMESNE COMMERCIAL DEVELOPMENT  
**ENTITLEMENTS:** CONDITIONAL USE PERMIT NO. 2008-030  
**PLANNING APPLICATION NO:** 2008-0133  
**DATE OF PLANS:** JUNE 23, 2008  
**PROJECT LOCATION:** 9500 GARFIELD, HUNTINGTON BEACH  
**PROJECT PLANNER:** ANDREW GONZALES, ASSISTANT PLANNER  
**TELEPHONE/E-MAIL:** (714) 374-1547 / [AGONZALES@SURFCITY-HB.ORG](mailto:AGONZALES@SURFCITY-HB.ORG)  
**PLAN REVIEWER:** STEVE BOGART, SENIOR CIVIL ENGINEER  
**TELEPHONE/E-MAIL:** 714-374-1692 / [SBOGART@SURFCITY-HB.ORG](mailto:SBOGART@SURFCITY-HB.ORG)  
**PROJECT DESCRIPTION:** TO PERMIT THE CONSTRUCTION OF AN APPROXIMATELY 10,000 SQ. FT., SINGLE-STORY MULTITENANT COMMERCIAL/RETAIL BUILDING AND ASSOCIATED SITE IMPROVEMENTS.

The following is a list of code requirements deemed applicable to the proposed project based on plans as stated above. The items below are to meet the City of Huntington Beach's Municipal Code (HBMC), Zoning and Subdivision Ordinance (ZSO), Department of Public Works Standard Plans (Civil, Water and Landscaping) and the American Public Works Association (APWA) Standards Specifications for Public Works Construction (Green Book), the Orange County Drainage Area management Plan (DAMP), and the City Arboricultural and Landscape Standards and Specifications. The list is intended to assist the applicant by identifying requirements which shall be satisfied during the various stages of project permitting, implementation and construction. If you have any questions regarding these requirements, please contact the Plan Reviewer or Project Planner.

#### THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A DEMOLITION PERMIT:

1. Applicant shall provide a consulting arborist report on all the existing trees. Said report shall quantify, identify, size and analyze the health of the existing trees. The report shall also recommend how the existing trees that are to remain (if any) shall be protected and how far construction/grading shall be kept from the trunk. (Resolution 4545)
  - a. Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent (13'-14' of trunk height for Queen Palms and 8'-9' of brown trunk).

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO  
ISSUANCE OF A GRADING PERMIT:**

1. A Precise Grading Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. (MC 17.05/ZSO 230.84) The plans shall comply with Public Works plan preparation guidelines and include the following improvements on the plan:
  - a. The existing driveway approaches on Garfield Avenue and Bushard Street shall be removed and replaced with ADA compliant driveway approaches per Public Works Standard Plan No. 211 for commercial driveways. The minimum width for commercial driveways is twenty-seven (27) feet. (ZSO 230.84)
  - b. A 10-foot clear sight distance triangle shall be provided at both driveways of this project. (ZSO 230.88)
  - c. An ADA compliant access ramp at the southeast corner of Garfield Avenue and Bushard Street per Caltrans Standard Plan A88A. (ZSO 230.84, ADA)
  - d. One (1) street light shall be installed on Bushard Street on the project frontage. Street lighting plans for the project shall be prepared by a Licensed Civil or Electrical Engineer and submitted to the Public Works Department for review and approval. Lighting standards shall be per the City of Huntington Beach guidelines.
  - e. A new sewer lateral shall be installed connecting to the sewer main in the Garfield Avenue. (ZSO 230.84)
  - f. Each retail unit proposed within the building may have a separate domestic water service and meter constructed per Water Standards, and sized to meet the minimum requirements set by the California Plumbing Code (CPC). Alternatively, a domestic master water service and meter to the building is also acceptable. The domestic water service(s) shall be a minimum of 2-inches in size. (ZSO 230.84)
  - g. A separate irrigation water service and meter shall be installed per Water Standards. The water service shall be a minimum of 1-inch in size. (ZSO 230.84)
  - h. A separate dedicated fire water service shall be constructed per Water Standards for the fire sprinkler system required by the Fire Department. (ZSO 230.84)
  - i. Separate backflow protection devices shall be installed per Water Standards for domestic, irrigation, and fire water services. (Resolution 5921 and Title 17)
  - j. The existing domestic water services and meters shall be abandoned per Water Standards. (ZSO 255.04E)
2. A Landscape and Irrigation Plan, prepared by a Licensed Landscape Architect shall be submitted to the Public Works Department for review and approval by the Public Works and Planning Departments. (ZSO 232.04)
  - a. Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent (13'-14' of trunk height for Queen Palms and 8'-9' of brown trunk).
  - b. "Smart irrigation controllers" and/or other innovative means to reduce the quantity of runoff shall be installed. (ZSO 232.04D)
  - c. Standard landscape code requirements apply. (ZSO 232)
3. All landscape planting, irrigation and maintenance shall comply with the City Arboricultural and Landscape Standards and Specifications. (ZSO 232.04B)

4. Landscaping plans should utilize native, drought-tolerant landscape materials where appropriate and feasible. (DAMP)
5. The Consulting Arborist (approved by the City Landscape Architect) shall review the final landscape tree planting plan and approve in writing the selection and locations proposed for new trees and the protection measures and locations of existing trees to remain. Said Arborist report shall be incorporated onto the Landscape Architect's plans as construction notes and/or construction requirements. The report shall include the Arborist's name, certificate number and the Arborist's wet signature on the final plan. (Resolution-4545)
6. A Project Water Quality Management Plan (WQMP) conforming to the City of Huntington Beach's Project WQMP Preparation Guidance Manual dated June 2006 and prepared by a Licensed Civil Engineer, shall be submitted to the Department of Public Works for review and acceptance and shall include the following:
  - a. Discusses regional or watershed programs (if applicable)
  - b. Addresses Site Design BMPs (as applicable) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas
  - c. Incorporates the applicable Routine Source Control BMPs as defined in the Drainage Area Management Plan (DAMP)
  - d. Incorporates Treatment Control BMPs as defined in the DAMP
  - e. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs
  - f. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs
  - g. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs
  - h. Includes an Operations and Maintenance (O&M) Plan for all structural BMPs
  - i. After incorporating plan check comments of Public Works, three final WQMPs (signed by the owner and the Registered Civil Engineer of record) shall be submitted to Public Works for acceptance. After acceptance, two copies of the final report shall be returned to applicant for the production of a single complete electronic copy of the accepted version of the WQMP on CD media that includes:
    - i) The 11" by 17" Site Plan in .TIFF format (400 by 400 dpi minimum).
    - ii) The remainder of the complete WQMP in .PDF format including the signed and stamped title sheet, owner's certification sheet, Inspection/Maintenance Responsibility sheet, appendices, attachments and all educational material.
  - j. The applicant shall return one CD media to Public Works for the project record file.
7. Indicate the type and location of Water Quality Treatment Control Best Management Practices (BMPs) on the Grading Plan consistent with the Project WQMP. The WQMP shall follow the City of Huntington Beach; Project Water Quality Management Plan Preparation Guidance Manual dated June 2006. The WQMP shall be submitted with the first submittal of the Grading Plan.
8. A suitable location, as approved by the City, shall be depicted on the grading plan for the necessary trash enclosure. The area shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, and screened or walled to prevent off-site transport of trash. The trash enclosure area shall be covered or roofed with a solid, impervious material.



Connection of trash area drains into the storm drain system is prohibited. If feasible, the trash enclosure area shall be connected into the sanitary sewer. (DAMP)

9. A soils report, prepared by a Licensed Engineer shall be submitted for reference only. (MC 17.05.150)
10. The applicant's grading/erosion control plan shall abide by the provisions of AQMD's Rule 403 as related to fugitive dust control. (AQMD Rule 403)
11. The name and phone number of an on-site field supervisor hired by the developer shall be submitted to the Planning and Public Works Departments. In addition, clearly visible signs shall be posted on the perimeter of the site every 250 feet indicating who shall be contacted for information regarding this development and any construction/grading-related concerns. This contact person shall be available immediately to address any concerns or issues raised by adjacent property owners during the construction activity. He/She will be responsible for ensuring compliance with the conditions herein, specifically, grading activities, truck routes, construction hours, noise, etc. Signs shall include the applicant's contact number, regarding grading and construction activities, and "1-800-CUTSMOG" in the event there are concerns regarding fugitive dust and compliance with AQMD Rule No. 403.
12. The applicant shall notify all property owners and tenants within 300 feet of the perimeter of the property of a tentative grading schedule at least 30 days prior to such grading.

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLIED WITH DURING  
GRADING OPERATIONS:**

1. An Encroachment Permit is required for all work within the City's right-of-way. (MC 12.38.010/MC 14.36.030)
2. The developer shall coordinate the development of a truck haul route with the Department of Public Works if the import or export of material in excess of 5000 cubic yards is required. This plan shall include the approximate number of truck trips and the proposed truck haul routes. It shall specify the hours in which transport activities can occur and methods to mitigate construction-related impacts to adjacent residents. These plans must be submitted for approval to the Department of Public Works. (MC 17.05.210)
3. Water trucks will be utilized on the site and shall be available to be used throughout the day during site grading to keep the soil damp enough to prevent dust being raised by the operations. (California Stormwater BMP Handbook, Construction Wind Erosion WE-1)
4. All haul trucks shall arrive at the site no earlier than 8:00 a.m. or leave the site no later than 5:00 p.m., and shall be limited to Monday through Friday only. (MC 17.05)
5. Wet down the areas that are to be graded or that is being graded, in the late morning and after work is completed for the day. (WE-1/MC 17.05)
6. The construction disturbance area shall be kept as small as possible. (California Stormwater BMP Handbook, Construction Erosion Control EC-1) (DAMP)
7. All haul trucks shall be covered or have water applied to the exposed surface prior to leaving the site to prevent dust from impacting the surrounding areas. (DAMP)
8. Prior to leaving the site, all haul trucks shall be washed off on-site on a gravel surface to prevent dirt and dust from leaving the site and impacting public streets. (DAMP)
9. Comply with appropriate sections of AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas. (AQMD Rule 403)
10. Wind barriers shall be installed along the perimeter of the site. (DAMP)

11. Remediation operations, if required, shall be performed in stages concentrating in single areas at a time to minimize the impact of fugitive dust and noise on the surrounding areas.
12. All construction materials, wastes, grading or demolition debris and stockpiles of soils, aggregates, soil amendments, etc. shall be properly covered, stored and secured to prevent transport into surface or ground waters by wind, rain, tracking, tidal erosion or dispersion. (DAMP)

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO  
ISSUANCE OF A BUILDING PERMIT:**

1. A Precise Grading Permit shall be issued. (MC 17.05)
2. Traffic impact fees for commercial development shall be paid at the rate applicable at the time of Building Permit issuance. The current rate of \$154 per net new added daily trip is adjusted annually. This project is forecast to generate 400 new daily trips for a total traffic impact fee of \$61,600. (MC 17.65)

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO  
ISSUANCE OF AN ENCROACHMENT PERMIT:**

1. Traffic Control Plans for all work within the City right-of-way shall be prepared by a Licensed Civil or Traffic Engineer in accordance with the latest edition of the City of Huntington Beach Construction Traffic Control Plan Preparation Guidelines and submitted for review and approval by the Public Works Department. (Construction Traffic Control Plan Preparation Guidelines)

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO FINAL  
INSPECTION OR OCCUPANCY:**

1. Complete all improvements as shown on the approved grading and landscape plans. (MC 17.05)
2. The current tree code requirements shall apply to this site. (ZSO 232)
  - a. Existing trees to remain on site shall not be disfigured or mutilated, (ZSO 232.04E) and,
  - b. General tree requirements, regarding quantities and sizes. (ZSO 232.08B and C)
3. All landscape irrigation and planting installation shall be certified to be in conformance to the City approved landscape plans by the Landscape Architect of record in written form to the City Landscape Architect. (ZSO 232.04D)
4. Applicant shall provide City with CD media TIFF images (in City format) and CD (AutoCAD only) copy of complete City Approved landscape construction drawings as stamped "Permanent File Copy" prior to starting landscape work. Copies shall be given to the City Landscape Architect for permanent City record.
5. Prior to grading or building permit close-out and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
  - a. Demonstrate that all structural Best Management Practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.
  - b. Demonstrate all drainage courses, pipes, gutters, basins, etc. are clean and properly constructed.

- c. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
  - d. Demonstrate that an adequate number of copies of the approved Project WQMP are available for the future occupiers.
- 6. All new utilities shall be undergrounded. (MC 17.64)
  - 7. All applicable Public Works fees shall be paid at the current rate unless otherwise stated, per the Public Works Fee Schedule adopted by the City Council and available on the city web site at [http://www.surfcity-hb.org/files/users/public\\_works/fee\\_schedule.pdf](http://www.surfcity-hb.org/files/users/public_works/fee_schedule.pdf) . (ZSO 240.06/ZSO 250.16)
  - 8. The Water Ordinance #14.52, the "Water Efficient Landscape Requirements" apply for projects with 2500 square feet of landscaping and larger. (MC 14.52)



## CITY OF HUNTINGTON BEACH PLANNING DEPARTMENT

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** AUGUST 28, 2008  
**PROJECT NAME:** DEMNSE COMMERCIAL DEVELOPMENT  
**PLANNING APPLICATION NO.** 2008-0133  
**ENTITLEMENTS:** CONDITIONAL USE PERMIT NO. 2008-036 (DEMESNE DEVELOPMENT)  
**DATE OF PLANS:** JUNE 23, 2008  
**PROJECT LOCATION:** 9500 GARFIELD AVENUE, HUNTINGTON BEACH  
**PLAN REVIEWER:** ANDREW GONZALES, ASSISTANT PLANNER  
**TELEPHONE/E-MAIL:** (714) 374-1547/ AGONZALES@SURFCITY-HB.ORG  
**PROJECT DESCRIPTION:** TO PERMIT THE CONSTRUCTION OF AN APPROXIMATELY 10,000 SQ. FT., SINGLE-STORY MULTITENANT COMMERCIAL/RETAIL BUILDING AND ASSOCIATED SITE IMPROVEMENTS.

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The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Zoning Administrator in conjunction with the requested entitlement(s), if any, will also be provided should your project be approved. If you have any questions regarding these requirements, please contact the Plan Reviewer.

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#### CONDITIONAL USE PERMIT NO. 2008-036:

1. The site plan, floor plans, and elevations approved by the Zoning Administrator shall be the conceptually approved design (with the following modifications).
  - a. Elevations shall depict approved colors and building materials.
  - b. Parking lot striping shall comply with Chapter 231 of the Zoning and Subdivision Ordinance and Title 24, California Administrative Code.
  - c. Depict all utility apparatus, such as but not limited to, back flow devices and Edison transformers on the site plan. Utility meters shall be screened from view from public right-of-ways. Electric transformers in a required front or street side yard shall be enclosed in subsurface vaults. Backflow prevention devices shall be prohibited in the front yard setback and shall be screened from view.

- d. All exterior mechanical equipment shall be screened from view on all sides. Rooftop mechanical equipment shall be setback a minimum of 15 feet from the exterior edges of the building. Equipment to be screened includes, but is not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, ductwork and transformers. Said screening shall be architecturally compatible with the building in terms of materials and colors. If screening is not designed specifically into the building, a rooftop mechanical equipment plan showing proposed screening must be submitted for review and approval with the application for building permit(s).
  - e. Depict the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items on the site plan and elevations. If located on a building, they shall be architecturally integrated with the design of the building, non-obtrusive, not interfere with sidewalk areas and comply with required setbacks.
  - f. All parking area lighting shall be energy efficient and designed so as not to produce glare on adjacent residential properties. Security lighting shall be provided in areas accessible to the public during nighttime hours, and such lighting shall be on a time-clock or photo-sensor system.  
**(HBZSO 231.18(C))**
  - g. Bicycle parking facilities shall be provided in accordance with the provisions of HBZSO Section 231.20 – *Bicycle Parking*.
2. Prior to issuance of demolition permits, the following shall be completed:
- a. The applicant shall follow all procedural requirements and regulations of the South Coast Air Quality Management District (SCAQMD) and any other local, state, or federal law regarding the removal and disposal of any hazardous material including asbestos, lead, and PCB's. These requirements include but are not limited to: survey, identification of removal methods, containment measures, use and treatment of water, proper truck hauling, disposal procedures, and proper notification to any and all involved agencies.
  - b. Pursuant to the requirements of the South Coast Air Quality Management District, an asbestos survey shall be completed.
  - c. The applicant shall complete all Notification requirements of the South Coast Air Quality Management District.
  - d. The City of Huntington Beach shall receive written verification from the South Coast Air Quality Management District that the Notification procedures have been completed.
  - e. All asbestos shall be removed from all buildings prior to demolition of any portion of any building.
3. Prior to issuance of grading permits, the following shall be completed:
- a. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning Department.
  - b. Blockwall/fencing plans (including a site plan, section drawings and elevations, depicting the height and material of all retaining walls, freestanding walls and fences) consistent with the grading plan, shall be submitted to and approved by the Planning Department. Double walls shall be prohibited. Prior to construction of any new property line walls or fences, a plan, approved by the owners of adjacent properties, and identifying the removal of any existing walls, shall be

submitted to the Planning Department for review and approval. The plans shall identify proposed wall and fence materials, seep holes and drainage.

4. Prior to submittal for building permits, the following shall be completed:
  - a. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Building & Safety, Fire and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
5. Prior to issuance of building permits, the following shall be completed:
  - a. A planned sign program for all signage shall be submitted to the Planning Department. Said program shall be approved prior to the first sign request.
  - b. All new commercial and industrial development and all new residential development not covered by Chapter 254 of the Huntington Beach Zoning and Subdivision Ordinance, except for mobile home parks, shall pay a park fee, pursuant to the provisions of HBZSO Section 230.20 – *Payment of Park Fee*. The fees shall be paid and calculated according to a schedule adopted by City Council resolution (*City of Huntington Beach Planning Department Fee Schedule*).
6. During demolition, grading, site development, and/or construction, the following shall be adhered to:
  - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
  - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
  - c. Truck idling shall be prohibited for periods longer than 10 minutes.
  - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
  - e. Discontinue operation during second stage smog alerts.
  - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity.
  - g. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays.
7. The structure cannot be occupied, the final building permit cannot be approved, and utilities cannot be released until the following has been completed:
  - a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
  - b. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District and submit a copy to Planning Department.
  - c. Compliance with all conditions of approval specified herein shall be verified by the Planning Department.
  - d. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.

- e. A Certificate of Occupancy must be approved by the Planning Department and issued by the Building and Safety Department.
8. The Development Services Departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
  9. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
  10. Conditional Use Permit No. 2008-036 shall not become effective until the ten calendar day appeal period following the approval of the entitlements has elapsed.
  11. Conditional Use Permit No. 2008-036 shall become null and void unless exercised within one year of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
  12. The Zoning Administrator reserves the right to revoke Conditional Use Permit No. 2008-036 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
  13. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
  14. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.
  15. The applicant shall submit a check in the amount of \$50.00 for the posting of the Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Zoning Administrator's approval of entitlements.
  16. All landscaping shall be maintained in a neat and clean manner, and in conformance with the HBZSO. Prior to removing or replacing any landscaped areas, check with the Departments of Planning and Public Works for Code requirements. Substantial changes may require approval by the Zoning Administrator.
  17. All permanent, temporary, or promotional signs shall conform to Chapter 233 of the HBZSO. Prior to installing any new signs, changing sign faces, or installing promotional signs, applicable permit(s) shall be obtained from the Planning Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs.



## CITY OF HUNTINGTON BEACH POLICE DEPARTMENT

### PROJECT IMPLEMENTATION RECOMMENDATIONS

**DATE:** JULY 8, 2008  
**PROJECT NAME:** DEMNSE COMMERCIAL DEVELOPMENT  
**PLANNING APPLICATION NO:** 2008-133  
**ENTITLEMENTS:** CONDITIONAL USE PERMIT NO. 2008-030  
**PROJECT LOCATION:** 9500 GARFIELD AVE, HUNTINGTON BEACH  
**PROJECT PLANNER:** ANDREW GONZALES, ASSISTANT. PLANNER  
**PLAN REVIEWER:** JAN THOMAS, HBPD Plan ID# STC07-105  
**TELEPHONE/E-MAIL:** (949) 348-8186 [JCKTHOMAS@COX.NET](mailto:JCKTHOMAS@COX.NET)  
**PROJECT DESCRIPTION:** TO PERMIT THE CONSTRUCTION OF AN APPROXIMATELY 10,000 SQ. FT., SINGLE-STORY MULTI-TENANT COMMERCIAL/RETAIL BUILDING AND ASSOCIATED SITE IMPROVEMENTS.

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The following is a list of recommendations deemed applicable to the proposed project based on plans received and dated June 23, 08. These comments are based on the discipline Crime Prevention Through Environmental Design (CPTED). Comments are intended to assist the applicant by identifying areas that would benefit the users of the property as well as the Huntington Beach Police Department through implementation of the following suggestions. If you have any questions regarding these comments, please contact the Plan Reviewer.

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#### Recommendations to enhance the quality of the project:

Ensure that there is no hardscape, electrical boxes, etc. up against the east wall. It appears there is a transformer planned in that area. Keeping the area along the east wall free from a potential foothold helps to prevent someone from climbing over the wall into the property to the east.

Keep landscaping low behind and around the dumpster. This area is potentially vulnerable.

Pay attention to light placement in relation to the placement of trees in the parking lot. Effectiveness of the lights should not be compromised by trees blocking the light.

Ensure that the alcove leading to the entrance of each retail door remains lighted throughout all hours of darkness.

There are recessed areas on the east side/parking area as well. These recessed areas should be lighted though all hours of darkness. Landscaping should be contained to ground cover.





**CITY OF HUNTINGTON BEACH  
DEPARTMENT OF BUILDING & SAFETY  
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

**DATE:** JULY 1, 2008  
**PROJECT NAME:** GARFIELD RETAIL CENTER  
**PLANNING APPLICATION NO.** PLANNING APPLICATION NO. 2008-0133  
**ENTITLEMENTS:** CONDITIONAL USE PERMIT NO. 2008-030  
**DATE OF PLANS:** JUNE 23, 2008  
**PROJECT LOCATION:** 9500 GARFIELD AVENUE, HUNTINGTON BEACH  
**PROJECT PLANNER:** ANDREW GONZALES, ASSISTANT PLANNER  
**PLAN REVIEWER:** JASON KWAK, PLAN CHECK ENGINEER  
**TELEPHONE/E-MAIL:** (714) 536-5278 / [jkwak@surfcity-hb.org](mailto:jkwak@surfcity-hb.org)  
**PROJECT DESCRIPTION:** TO PERMIT THE DEVELOPMENT OF A 10,000 SQ. FT. RETAIL COMMERCIAL BUILDING.

The following is a list of code requirements deemed applicable to the proposed project based on plans received as stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. This list is not intended to be a full and complete list and serves only to highlight possible building code issues on the proposed preliminary plans. Electrical, plumbing, and mechanical items are not included in this review. If you have any questions regarding these comments, please contact the plan reviewer.

**I. SPECIAL CONDITIONS:**

1. None

**II. CODE ISSUES BASED ON PLANS & DRAWINGS SUBMITTED:**

1. Project shall comply with the 2007 California Building Code, 2007 California Mechanical Code, 2007 California Plumbing Code, 2007 California Electrical Code, 2007 California Energy Code and the Huntington Beach Municipal Code (HBMC). Compliance to all applicable state and local codes is required prior to issuance of building permit.
2. For northern most retail space with 2392 sq. ft of floor area:
  - a. Where two or more exits or exit access doorways are required from any portion of the exit access, the exit doors or exit access doorways shall be placed a distance apart equal to not less than 1/2 the diagonal of the area to be served in non-sprinklered buildings or 1/3 the diagonal for sprinklered buildings. (CBC 1015.2.1)
  - b. Northern most exit door shall have minimum 60" x 60" disabled accessible level landing with minimum 24" strike edge clearance. (CBC 1133B.7.5)
  - c. Additional restroom and plumbing fixtures may be required per California Plumbing Code.

# DEMESNE GROUP

8442 ALONDRA BOULEVARD  
PARAMOUNT, CALIFORNIA 90723

TELEPHONE: (562) 634-9530

TELECOPIER: (562) 634-9617

City of Huntington Beach

SEP 29 2008

September 29, 2008

Planning Commission  
City of Huntington Beach  
2000 Main Street  
2<sup>nd</sup> Floor  
Huntington Beach, CA 92648

Attn: Secretary

Re: 9500 Garfield Avenue  
Huntington Beach, CA

We appreciate the Zoning Administrator's reviewing and approving, with conditions, our proposed project at the subject location. However, some of the conditions are not acceptable.

Accordingly, appellant, Demesne Development Company, 8442 Alondra Boulevard, Paramount, CA 90723, hereby appeals Conditional Use Permit No. 2008-030. To wit:

Condition 1.a)

Present market conditions require maximum leasing flexibility. In this specific case, the ability to park medical/professional uses. Removal of two parking spaces compromises this flexibility and should be offset by removal of the two superfluous landscape fingers in the parking area.

Condition 3 c)

The existing block wall is eight feet plus. This condition is inapplicable.

Condition 5.)

This project cannot support in excess of \$200,000 in exogenous, off-site costs.

To wit:

- 1) Estimate for undergrounding Edison lines: \$165,000.00  
This is a rough estimate based upon information provided by Terry Elliott of Edison's Planning Department. The installation of a third pole might be required at additional cost as the pole just south of the property on Bushard currently handles north/south and east/west lines. Edison would require several months to engineer.

ATTACHMENT NO. 7.1 -

- 2) Estimate for undergrounding Verizon lines: \$ 35,000.00

This is an estimate based upon a recent relocation of AT&T lines from a soon to be removed pole to a new pole which was approximately 15 feet away (\$15,000.00 cost). Verizon would not even speculate on the cost, but does require a \$500.00 fee in order to start the process to establish the cost and a timeframe that would be multiple weeks.

- 3) No estimate is yet available for relocation of the TV cable

Experience suggests that estimates are usually lower than actual costs. As the proposed building is 10,000 square feet, these off-site improvements for private entities (Edison and Verizon), both of which are multibillion companies, add \$20-25 per square foot, or more than 15%, to the construction budget.

Furthermore, the poles south of the property on Bushard, and similarly north of the property on Bushard, are adjacent to private homes. The City is unlikely to coerce private homeowners into funding undergrounding. Consequently, thousands of yards of above ground lines will be interrupted by 250 feet of underground lines. What does this achieve? As Edison observed, it's ludicrous.

Aside from considerations of practicality in the present environment, issues of proportionality, fairness and consistency are raised as in *Dolan v. City of Tigard* (1994), *Erlich v. City of Culver City* (1996) and *Bright Development v. City of Tracy* (1993).

Removal of this condition is mandatory for the project to proceed.

The worlds of finance and real estate have materially changed in the past few weeks. Financial institutions have significantly increased scrutiny of costs and expenses of construction loans. The practice of off-loading public improvements on to private projects needs to be restrained for the foreseeable future if business and development are to progress.

In cognizance of this reality, appellant respectfully requests modification of the conditions of approval as outlined above.

Sincerely,

  
John E. Hendershot, Jr.  
President

JEH: ds

HB/9500/appeal.001

**UD 1.4.2**

Coordinate the involvement of artists and the role of art in the image of the City with the provisions of the Historic and Cultural Resources Element. (I-UD 2 and I-HCR 14)

**Goal**

**UD 2**

Protect and enhance the City's public coastal views and oceanside character and screen any uses that detract from the City's character.

**Buffers And Barriers - Coastal Corridor**

**Objective**

**UD 2.1**

Minimize the visual impacts of new development on public views to the coastal corridor, including views of the sea and the wetlands.

**Policies**

**UD 2.1.1**

Require that new development be designed to consider coastal views in its massing, height, and site orientation. (I-UD 1 and I-UD 6)

**UD 2.1.2**

Require additional landscaping and varying hardscape along the beach trail and roadway medians, where appropriate. (I-UD 1, I-UD 2, and I-UD 3)

**Buffers And Barriers - Industrial Uses and Oil Production Facilities**

**Objective**

**UD 2.2**

Minimize the visual impacts of oil production facilities and other utilities where they encroach upon view corridors or are visually incompatible with their surrounding uses.

**Policies**

**UD 2.2.1**

Require landscape and architectural buffers and screens around oil production facilities and other utilities visible from public rights-of-way. (I-UD 1 and I-UD 6)

**UD 2.2.2**

Require the removal of non-productive oil production facilities and the restoration of the vacated site. (I-UD 1 and I-UD 6)

**UD 2.2.3**

Require landscaping to screen flood control channels where visible to public view and where there is adequate planting area available. (I-UD 2, I-UD 3, and I-UD 6)

**UD 2.2.4**

Require the undergrounding of utility lines. (I-UD 1, I-UD 2, and I-UD 3)

**UD 2.2.5**

Require the review of new and or expansions of existing industrial and utility facilities to ensure that such facilities will not visually impair the City's coastal corridors and entry nodes. (I-UD 2, I-UD 6, U 5.1.3 and U 5.1.4)

**IMPLEMENTATION PROGRAMS**

**I-UD 1**

**Streetscape Improvement Plan**

Prepare a comprehensive streetscape improvement plan specifying all potential improvements projects within the public rights-of-way, including design concepts and design criteria for median and parkway landscape, sidewalk elements including street furniture, and public signage, including gateway entry identification signage.

**I-UD 2**

**Coordinated Public Policy**

Coordinate all guidelines and standards within the City of Huntington Beach to conform to the objectives and criteria outlined in the policies of this element. Update and/or amend the following policies, guidelines, standards and specifications:

- a. Public Works Standard Plans/ Specifications (for landscape and tree planting);
- b. Master Plan for Landscaping of Arterial Street Medians;
- c. Arboricultural and Landscape Standards/Specifications;
- d. Downtown Design Guidelines; and
- e. Downtown Specific Plan.

**U 3.3.3**

Require that new developments employ the most efficient drainage technology to control drainage and minimize damage to environmentally sensitive areas. (I-U 2, I-U 6, and I-U 5)

**U 3.3.4**

In areas of known subsidence, require new development to minimize the use of cross gutters and utilize technology such as low flow storm drains. (I-U 2, I-U 6, and I-U 5)

**Solid Waste**

***Goal***

**U 4**

Maintain solid waste collection and disposal services in accordance with the California Integrated Waste Management Act of 1989 (AB939), and pursue funding sources to reduce the cost of the collection and disposal services in the City.

***Objective***

**U 4.1**

Ensure an adequate and orderly system for the collection services and the disposal of solid waste to meet the demands of new and existing development in the City.

***Policies***

**U 4.1.1**

Maintain adequate solid waste collection for commercial, industrial, and residential developments in accordance with state law. (I-U 11)

**U 4.1.2**

Investigate the feasibility of providing trash and recycling receptacles along City streets in pedestrian oriented commercial areas (i.e., Downtown, Peter's Landing, Beach Boulevard nodes, etc.); design receptacles to be aesthetically compatible with the district in which they are located. (I-U 3)

***Objective***

**U 4.2**

Recycle solid waste to reduce the amount of bulk which must be disposed in area landfill, to conserve energy resources, and to be consistent with the provisions of the California Integrated Waste Management Act of 1989 (AB939).

***Policies***

**U 4.2.1**

Monitor SRRE and HHWME programs to ensure proper implementation and achievement of mandated solid waste reduction and diversion goals. (I-U 5 and I-U 12)

**U 4.2.2**

Revise and replace programs that do not achieve their intended purpose as stated in the SRRE and HHWME. (I-U 5 and I-U 12)

**Gas Supply, Telecommunication,  
Electricity**

***Goal***

**U 5**

Maintain and expand service provision to City of Huntington Beach residences and businesses.

***Objective***

**5.1**

Ensure that adequate natural gas, telecommunication and electrical systems are provided.

***Policies***

**U 5.1.1**

Continue to work with service providers to maintain current levels of service and facilitate improved levels of service. (I-U 5)

**U 5.1.2**

Continue to underground above ground electrical transmission lines. (I-U 6)

- D. Sanitary Sewers. Each unit or parcel within the subdivision shall be served by an approved sanitary sewer system.
- E. Water Supply. Each unit or parcel within the subdivision shall be served by an approved domestic water system.
- F. Utilities. Each unit or parcel within the subdivision shall be served by gas (if required), electric, telephone and cablevision facilities.
- G. Underground Utilities.

1. All proposed utilities within the subdivision and along frontage streets shall be placed underground consistent with Chapter 17.64 of the Huntington Beach Municipal Code. Existing utilities within the subdivision shall be placed underground unless specifically exempted by Public Utilities Commission regulations.
2. The developer may request that the Planning Commission, or the Zoning Administrator, as the case may be, waive the requirement to underground existing or proposed utilities along frontage streets. The Planning Commission or Zoning Administrator, may, at its discretion, require a fee in lieu of the undergrounding.

If the undergrounding requirement along frontage streets is waived, the City Engineer may require the developer to install a service panel or other acceptable facility to facilitate conversion to underground utilities at a future date.

The amount of fee shall be determined by the City Engineer and shall be based upon the reasonable estimated cost of that portion of a future undergrounding project attributable to the subdivision. The requirement for undergrounding or payment of an in-lieu fee and shall be a condition of approval of the tentative map.

3. Requirements to place existing and proposed utilities underground throughout the subdivision may be waived or modified by the Planning Commission or Zoning Administrator, as the case may be, only upon finding:
  - a. The subdivision is within an area where existing utilities have not been placed underground; and
  - b. Physical constraints make undergrounding of existing and proposed utilities impractical; and
  - c. Overhead utilities will have no significant visual impact.
4. If the undergrounding requirement is waived as allowed in subsection 255.04(G)(3) above, an in-lieu fee as established by the City Engineer shall be made a condition of approval of the tentative map.
5. In-lieu fees shall be deposited in a special account to be used as approved by the City Council for future undergrounding of utilities throughout the City.

## Chapter 17.64

### UNDERGROUNDING OF UTILITIES

(2222-12/77, 2382-7/79, 2975-12/88, 3635-5/04, 3783-10/07)

#### Sections:

- 17.64.010 Definitions
- 17.64.020 Underground utilities coordinating committee established
- 17.64.030 Duties
- 17.64.040 Planning Commission review
- 17.64.050 Underground public utilities facilities
- 17.64.060 Overhead installation
- 17.64.070 Conversion of overhead facilities
- 17.64.080 Underground trenches
- 17.64.090 Public hearing by Council
- 17.64.100 Council may designate underground utility districts by resolution
- 17.64.110 Unlawful to erect or maintain overhead utilities within district
- 17.64.120 Exceptions--Emergency or unusual circumstance declared exception
- 17.64.130 Exceptions to this chapter
- 17.64.135 Abandoned/non-use – notice to City
- 17.64.140 Community antenna television service
- 17.64.150 Director of Public Works--Authority of
- 17.64.160 Director of Planning--Authority of
- 17.64.170 City Council--Appeal to
- 17.64.180 Notice to property owners and utility companies
- 17.64.190 Responsibility of utility companies
- 17.64.200 Responsibility of property owners
- 17.64.210 Responsibility of city
- 17.64.220 Extension of time

**17.64.010 Definitions.** The following terms or phrases as used in this chapter shall, unless the context indicates otherwise, have the respective meanings herein set forth:

- (a) "Commission" shall mean the Public Utilities Commission of the state of California.
- (b) "Underground utility district" or "district" shall mean that area in the city within which poles, overhead wires and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provision of section 17.64.110 of this chapter.
- (c) "Poles, overhead wires and associated overhead structures; shall mean poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located aboveground within a district and used, or useful, in supplying electric, communication or similar or associated service.
- (d) "Utility" shall include all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices. (2222-12/77)

**17.64.020 Underground utilities coordinating committee--Established.** There is hereby established an underground utilities coordinating committee, appointed by the City Council, which said committee shall consist of five (5) members as follows: (2222-12/77, 2382-7/79, 2975-12/88)

- (a) Director of Public Works;
- (b) Director of Planning; (3783-10/07)
- (c) One city employee appointed by the City Administrator;
- (d) District representative, Southern California Edison Company; and
- (e) Senior engineer, Public Improvements, Verizon. (3783-10/07)

**17.64.030 Duties.** It shall be the duty of the committee to advise the City Council with respect to all technical aspects of the undergrounding of public utilities within the city of Huntington Beach and in that regard the committee shall:

- (a) Determine the location and priority of conversion work within the city;
- (b) Recommend specific projects and methods of financing;
- (c) Recommend time limitation for completion of projects and extensions of time;
- (d) Develop a long-range plan for establishing underground utilities districts;
- (e) Perform such other duties as may be assigned to it by the City Council.

The Director of Public Works shall be chairperson of said committee. A majority of the members of the committee, or their authorized representatives, present at any meeting shall constitute a quorum. Said committee shall meet upon call of the chairperson. Members of the committee shall serve at the pleasure of the City Council and without compensation. (2222-12/77, 3783-10/07)

**17.64.040 Planning Commission review.** Prior to submitting reports to the City Council, the committee shall submit all undergrounding plans to the Planning Commission in order to ascertain its recommendations with respect to comprehensive planning for the city, and the effect of such proposed undergrounding plans thereon. (2222-12/77)

**17.64.050 Underground public utilities facilities.** All new public and private utility lines and distribution facilities, including but not limited to electric, communications, street lighting, and cable television lines, shall be installed underground, except that surface-mounted transformers, pedestal-mounted terminal boxes, meter cabinets, concealed ducts in an underground system and other equipment appurtenant to underground facilities located on private property or installed pursuant to a franchise or other agreement need not be installed underground, and provided further that cable television lines may be installed on existing utility poles within subdivisions developed with overhead utility lines. (3783-10/07)

This section shall not apply to main feeder lines or transmission lines located within the public right-of-way of an arterial highway as shown in the circulation element of the general plan. (2222-12/77)

**17.64.060 Overhead installation.** Installation of overhead utility lines is permitted for the following:

- (a) Relocation and/or the increase of the size of service on a lot when it does not necessitate any increase in the number of existing overhead lines and/or utility poles;
- (b) Any new service when utility poles exist along abutting property lines prior to February 15, 1967, and which are not separated by any alley or public right-of-way and no additional utility poles are required;
- (c) Temporary uses, including directional signs, temporary stands, construction poles, water pumps, and similar uses;
- (d) Oil well services. (2222-12/77)



**17.64.070 Conversion of overhead utilities.** Any new overhead service which is permitted by these provisions shall have installed a service panel to facilitate conversion to underground utilities at a future date. (2222-12/77)

**17.64.080 Underground trenches.** All underground utility lines in residential developments which are installed on private property shall be located along lot lines. However, the trench for service lines may curve from the lot line to the building at the nearest, most practical location.

This provision is intended to reduce conflicts which may occur in future construction because of existing underground utility lines. (2222-12/77)

**17.64.090 Public hearing by Council.** The Council may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the city and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. Prior to holding such public hearing, the City Engineer shall consult with all affected utilities and shall prepare a report for submission at such hearing, containing, among other information, the extent of such utilities participation and estimates of the total costs to the city and affected property owners. Such report shall also contain an estimate of the time required to complete such underground installation and removal of overhead facilities. The City Clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned by mail of the time and place of such hearings at least ten (10) days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons affected shall be given an opportunity to be heard. The decision of the Council shall be final and conclusive. (2222-12/77)

**17.64.100 Council may designate underground utility districts by resolution.** If, after any such public hearing the Council finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the Council shall, by resolution adopted by affirmative vote of at least five (5) members of the City Council, declare such designated area an underground utility district and order such removal and underground installation. Such resolution shall include a description of the area comprising such district, the reason for placing public utilities underground (see Public Utilities Commission Rule 20), and shall fix the time within which such affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby. (2222-12/77)

**17.64.110 Unlawful to erect or maintain overhead utilities within district.** Whenever the Council creates an underground utility district and orders the removal of poles, overhead wires and associated structures therein, as provided in section 17.64.100 hereof, it shall be unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the district after the date when said overhead facilities are required to be removed by such resolution, except as said overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in section 17.64.200 hereof, and for such reasonable time as may be required to remove said facilities after said work has been performed, and except as otherwise provided in this chapter. (2222-12/77)

**17.64.120 Exceptions--Emergency or unusual circumstance declared exception.** Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period not to exceed ten (10) days without authority of the Council in order to provide emergency service. In such case, the Director of Public Works shall be notified in writing prior to the installation of the facilities. The Council may grant special permission on

such terms as the Council may deem appropriate in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles overhead wires and associated overhead structures. (2222-12/77)

**17.64.130 Exceptions to this chapter.** The following shall be excluded from the provisions of this chapter unless otherwise provided in the resolution designating the underground utilities district:

- (a) Poles or electroliers used exclusively for street lighting.
- (b) Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited.
- (c) Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts.
- (d) Any municipal facilities or equipment installed under the supervision and to the satisfaction of the City Engineer.
- (e) Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street.
- (f) Antennas used by a utility for furnishing communication services. (3783-10/07)
- (g) Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and water cabinets and concealed ducts.
- (h) Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects. (2222-12/77)
- (i) Utilities with existing on-pole services as of the date of this ordinance, where the utility is not the sole user of the poles, and where the utility is replacing one single wire, cable, or line with another or adding an additional smaller wire, cable or line, provided that utility will be placed underground at the time the other utility utilizing the poles places its service underground. (3635-5/04)

**17.64.135 Lines not in use – notice to City.** At any time a line, cable or wire is taken out of service, or abandoned or is otherwise no longer used, the utility shall give notice of non-use to the City. Within six (6) months of the time upon which the line, cable or wire ceases to be used (the notice date) the utility shall remove the line, cable or wire from the poles. (3635-5/04)

**17.64.140 Community antenna television service.** Distribution lines and individual service lines for community antenna television (CATV) service shall be installed underground in all new developments within the city. All new CATV installations in said new developments shall be made in accordance with specifications adopted by City Council resolution. Said improvements within the public right-of-way, upon completion, shall be dedicated to the city of Huntington Beach. (2222-12/77)

**17.64.150 Director of Public Works--Authority of.** The Director of Public Works shall have the authority to waive the requirements of section 17.64.140 with respect to improvements within the public right-of-way when, in his or her judgment, it is determined to be in the best interest of the city so to do, based upon the following criteria: (3783-10/07)

- (a) Whenever engineering plans and specifications are not required.
- (b) Where existing improvements such as curbs and gutters, sidewalks, streets, etc. would have to be removed and replaced.
- (c) The location of existing overhead facilities.
- (d) The location of existing structures.
- (e) The condition of existing street improvements.
- (f) The amount of lineal footage of CATV facilities involved. (2222-12/77)

**17.64.160 Director of Planning--Authority of.** The Director of Planning shall have the authority to waive the on-site requirements, as set out in section 17.64.140, when, in his or her judgment, it is determined to be in the best interest of the city so to do, based upon the following criteria: (2975-12/88, 3783-10/07)

- (a) Where existing improvements would have to be removed and replaced.
- (b) The location of existing overhead facilities.
- (c) The location of existing structures.
- (d) The condition of existing improvements.
- (e) The amount of lineal footage of CATV facilities involved.
- (f) The interface of the new development to the existing development on the site.
- (g) The interface to similar facilities required off site. (2222-12/77)

**17.64.170 City Council--Appeal to.** Any landowner or developer affected may appeal the determination of the Director of Public Works or the Director of Planning to the City Council. (2222-12/77, 3783-10/07)

**17.64.180 Notice to property owners and utility companies.** Within ten (10) days after the effective date of a resolution adopted pursuant to section 17.64.110 hereof, the City Clerk shall notify all affected utilities and all person owning real property within the district created by said resolution, of the adoption thereof. Said City Clerk shall further notify such affected property owners of the necessity that if they or any person occupying such property desire to continue to receive electric, communication or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location. (2222-12/77)

**17.64.190 Responsibility of utility companies.** If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to section 17.64.110 hereof, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the commission. (2222-12/77)

**17.64.200 Responsibility of property owners.**

- (a) Every person owning, operating, leasing, occupying or renting a building or structure within a district shall construct and provide that portion of the service connection on his property between the facilities referred to in section 17.64.190, and the termination facility on or

within said building or structure being served. If the above is not accomplished by any person within the time provided for in the resolution enacted pursuant to section 17.64.110 hereof, the City Engineer shall give notice in writing to the owner thereof as shown on the last equalized assessment roll, to provide the required underground facilities within thirty (30) days after receipt of such notice.

- (b) The notice to provide the required underground facilities may be given either by personal service or by mail. In case of service by mail on either of such persons, the notice must be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person in possession of such premises, and the notice must be addressed to such owner's last known address as the same appears on the last equalized assessment roll, and when no address appears, to General Delivery, city of Huntington Beach. If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within forty-eight (48) hours after the mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the City Engineer shall, within forty-eight (48) hours after the mailing thereof, cause a copy thereof, printed on a card not less than 8" x 10" in size, to be posted in a conspicuous place on said premises.
- (c) The notice given by the City Engineer to provide the required underground facilities shall particularly specify what work is required to be done, and shall state that if said work is not completed within thirty (30) days after receipt of such notice, the City Engineer will provide such required underground facilities, in which case the cost and expense thereof will be assessed against the property benefited and become a lien upon such property.
- (d) If upon the expiration of the thirty (30) days, the said required underground facilities have not been provided, the City Engineer shall forthwith proceed to do the work, provided, however, if such premises are unoccupied and no electric or communications services are being furnished thereto, the City Engineer shall in lieu of providing the required undergrounding facilities, have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property. Upon completion of the work by the City Engineer, he shall file a written report with the City Council setting forth the fact that the required underground facilities have been provided and the cost thereof, together with a legal description of the property against which such cost is to be assessed. The Council shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon such premises, which said time shall not be less than ten (10) days thereafter.
- (e) The City Clerk shall forthwith, upon the time for hearing such protests having been fixed, give a notice in writing to the person in possession of such premises, and a notice in writing thereof to the owner thereof, in the manner hereinabove provided for the giving of the notice to provide the required underground facilities, of the time and place that the Council will pass upon such report and will hear protests against such assessment. Such notice shall also set forth the amount of the proposed assessment.
- (f) Upon the date and hour set for the hearing of protests, the Council shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the assessment.
- (g) If any assessment is not paid within fifteen (15) days after its confirmation by the Council, the amount of the assessment shall become a lien upon the property against which the assessment is made by the City Engineer, and the City Engineer is directed to turn over to the assessor and tax collector a notice of lien on each of said properties on which the assessment has not been paid, and said assessor and tax collector shall add the amount of said assessment to the next regular bill for taxes levied against the premises upon which said assessment was not paid. Said assessment shall be due and payable at the same time as said property taxes are due and payable, and if not paid when due and payable, shall bear interest at the rate of 6 percent per annum. (2222-12/77)

**17.64.210 Responsibility of city.** City shall remove at its own expense all city-owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to section 17.64.110 hereof. (2222-12/77)

**17.64.220 Extension of time.** In the event that any act required by this chapter or by a resolution adopted pursuant to section 17.64.110 hereof cannot be performed within the time provided because of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation. (2222-12/77)